

A N  
A S S I S T A N C E  
T O  
J u s t i c e s o f t h e P e a c e ,  
F O R T H E  
E a s i e r P e r f o r m a n c e  
O F T H E I R  
D U T Y .

The F I R S T P A R T Containing  
The Particular Clauses of all such Statutes  
from *Magna Charta*, until 1 *Jac. II.* that do any ways concern  
the Power of a Justice ; which are barely mentioned in other  
Books of Justice, but here fully ; with a Marginal Note of the  
Matter against every Clause.

In the Other P A R T,  
The whole Office of a *Justice of the Peace* is Methodically Dige-  
sted ; with the most Approved Presidents, under proper Heads.

To which is now added,  
*A T A B L E* for the ready finding out the Presidents.  
Never Printed before.

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By J O S. K E B L E, of *Grays-Inn*, Esq;

L O N D O N :

Printed by *W. Rawlins*, *S. Roycroft*, and *H. Sawbridge*,  
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For *Tho. Dring*, *Cha. Harper*, and *Sam. Keble*, in *Fleet-street*.  
M D C LXXXIX.



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**W**E do Allow the Printing and Publishing  
of this Book, Intituled, *An Assistance to*  
*Justices of the Peace, for the Easier Performance of*  
*their Duty.* By *Jos. Keble of Grays Inn, Esq;*

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Edw. Atkins.  
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# TO THE READER.

Reader,

**G**OOD and Lawfull men was the Character of those first assigned to Keep the Peace in every County, 1 Ed. 3. c. 16. and by 4 Ed. 3. c. 2. §. 1. N. 3. And to this day that Phrase doth most properly shew, the Intendment of this Commission, was either to find, or to make men such; for before this time, Sheriffs, and Leets, and other particular Franchises, had so divided this Jurisdiction, that it is a hard Question, Whether it were more difficult to procure a Beneficial Law of Publick Good to be made, or to be put in Execution, neither of which could then be done without much Self-denial: wherefore they who say the former days were better than these, have doubtless not rightly considered this matter; for as uncertain as our Laws yet seem to be, I have not yet read of any more certain, tho I have used some endeavours of Comparison, Chiefly with the Roman Civil Laws, whereof in such as are of General Reason different from ours, as in Villinage, Bastardy, Discents, Tenures, Customes, Apprentices, Judicatures, Marriage, Stews, and many other particulars they are, our Legislators have ever preferred the Reason of our own Laws before them, and indeed they are in the main point of Government, rather Flatterers of Power, than Maintainers of Justice: Whereas ours have ever been Intent upon Publick Good, as appears in many particular Laws for the due preservation of the Peace, the Management and Care whereof is placed in such men in every County, that may be able to hinder the Oppressions of the Great, and the Insurrections and Disturbances of the Poor, almost Habitually practised before this Statute; for whose Service I have endeavoured this present Assistance; Wherein, First are placed such

A.

Clauses

## To the Reader.

*Clauses of the last Edition of the Statutes in Paragraphs or Sections and Numbers that give to the Justices any express power to Act; some of which alone are only mentioned in the end of Lambert, and the last Edition of Dalton; but here fully; So that the Justice need only look the Statute Book to see whether it be in Force or not. But the nature and limits of his Power appears in each Clause, and is generally pointed to in a Marginal Note of the Matter, whereby Justices may soon discern the Circumspection of their Duty, and what it is that is required of them, with the manner of it. After which Foundation laid, it will be necessary,*

2. *To consider the Nature and Extent of their Commission, wherein there will some difficulties arise, as well from the Commands of Superiours, as from the Irregular Motions of Inferiours; and therefore for the better understanding of this Commission in the Justices, I have divided that also by Paragraphs or Sections and Numbers for easier Intendment of, or reference to any part of it; the due consideration whereof, will something facilitate the work, whether in Sessions or out of Sessions. And Thirdly, that doubts about particular matters may at least be lessened, if not resolved, I have added such Heads of Common Place as seemed convenient, wherein the former Treatises about Justices of Peace are mostly reduced to the proper Authors, or at least the Statutes (they mention only in General) are more particularly Cited, whereby any Justice of Peace may by help of a Statute Book, be able to make a much readier Judgment than before; and he that desires fuller satisfaction, must take more pains to search the Tables, Abridgements, and other Books of Law, not so fit here to be inserted; for I have only aimed at what more immediately refers to Keeping of the Peace, not at the particular nature and Extent of the Head or Common Place it self: and in each Citation, Clause, and Reference, I have added in the Margent, a Notice or Head of the matter thereof, and this being but as a Table or Common Place it self, I think needs no other Table to it. And therefore in the Fourth Place, I have only made a Recapitulation or Recital of the lesser and larger Heads as they refer each to other, or rather as they may be referred each to other. And in the last place, I have acquainted you with the manner of my Quotations, which are thus,*

*Lambt. Lamberts Irenarcha.*

*Crompt. J. P. Crompton's Justice of Peace.*

*Crompt. J. Crompton's Jurisdiction.*

*Dalt.*

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## To the Reader.

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*Dalt.* Daltons Office of Justice, *Edit.* 1630.

*Boult.* Boultons Justice of Peace of *Ireland.*

*Lambt. Precedts.* Lamberts Precedents.

*Lambt. Const.* Lamberts Office and Duty of a Constable  
*The Laws &c.* The Laws, &c. against Jesuits, Recusants,  
&c. By Mr. Cawley.

*Abr.* The Abridgement thereof, *placito* 1.

*Pract. Preced.* The practick part of the Office of a Justice *Anonym.*

*Kilb.* Kilbourns Precedents.

*West. Symb.* Wests Symboleography or Precedents.

*Poult.* Poulton de Pace Regis & Regni

*Stanff.* Stanffords Pleas of the Crown

*In the rest there will not be much difficulty, and therefore I thus leave it to your Perusal and Censure.*

Grays Inn,  
Nov. 15. 1682.

Jos. Keble.

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1840

1841

# A TABLE

FOR THE

Ready finding the **PRESIDENTS** contained in

## Keble's Justice of Peace.

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THE  
PARTICULAR  
CLAUSES  
OF  
STATUTES  
OF THE  
Order and Introduction of the Power of keep-  
ing the PEACE.

*Statuta H. 3.*

Lect.

Distress.

**T**H E View of Frank-pledges shall be so done that our Peace may be kept. Crompt. J. p. 7. 9 H. 3. 35. § 1. N. 4.  
 And if one Neighbour do so to another ( viz. drive distress out of the County ) of his own Authority and without Judgment, he shall make Fine, &c. As for a thing done against the Peace. 32 H. 3. 4. § 1. N. 2.

*Statuta Ed. 1.*

Justice.

**F**irst the King willet and Commandeth that the Peace of holy Church and of the Land be well kept and maintained in all points, and that common right be done to all as well poor as rich without respect of persons. 3 Ed. 1. 1.

Able.

And they that have done the trespass ( viz. lodged in Religious Houses ) shall be likewise punished &c. and if none will sue, the King will have the suit as for thing Committed against his Commandment and against his Peace. § 1. N. 11.

Election.

The King Commandeth upon great Forfeiture that no man by force of Arms, nor by malice or menacing shall disturb any to make free Election. Cap. 5.

Fresh suit.

And forasmuch as the Peace of this realme hath been evil observed heretofore for lack of Quick and fresh suit making after felons in due manner, and namely because of franchises where felons are received &c. Cap. 9.

Bail.

It is provided, &c. that such Prisoners as before were outlawed, and they which have abjured the Realm, Provers and such as be taken with the manner, and those which have broken the Kings Prison, Theeves openly defamed, and known, and such as be appealed by Provers so long as the Provers be living, if they be not of good fame, and such as be taken for House breaking feloniously done, or for false money, or for Counterfeiting the Kings Seal, or Persons Excommunicate taken at the request of the Bishop, or for manifest offences, or for Treason touching the King himself, shall be in no wise repleviable by the Common Writ nor without Writ. Ca. 15. § 1. N. 3.

Bail.

But such as be Indicted of Larceny by Enquests taken before Sheriffs or Baplis by their office or of light suspicion, or for petty Larceny that amounteth § 1. N. 4.



amounteth not above the value of twelve pence, if they were not guilty of some other Larceny aforesaid, or guilty of receipt of felons, or of Commandment, or force, or of aid in felony done, or guilty of some other Trespass for which one ought not to lose Life or Member: and a man appealed by a Prover after the death of the Prover (if he be no common Theif, nor defamed) shall from henceforth be let out, by sufficient Surety, whereof the Sheriff will be Answerable, and that without giving ought of their Goods.

Cap. 18. Forasmuch as the Common Fine and Amercement of the whole County in Eyr of the Justices for false Judgments or other Trespass is unjustly Afflict by Sheriffs, and Barretors in the Shires, so that the sum is many times increased, and the Parcels otherwise Afflicted then they ought to be, to the Damage of the People, which be many times payed to the Sheriffs and Barretors that cannot acquit them &c. Amercement.

Cap. 33. (32.) It is Provided, that no Sheriff shall suffer any Barretors, or Maintainers of Quarrels in the Shire, neither Stewards of great Lords, nor others (unless he be the Attorney for his Lord) to make Suit, or to give Judgments in the Counties, nor to pronounce the Judgments, if he be not specially required and prayed, of all the Suitors, and Attorneys of the Suitors which shall be at the Court. Peace.

4 E. 1. St. 2. p. 28. A Coroner also ought to enquire of Treasure that is found, who were the finders, and likewise who is suspected thereof, and that it may be well perceived where one lieth riotously, haunting of Taverns, and hath done so of long time; hereupon he may be Attached for this Suspicion, by four, or six, or more Pledges if he may be found. Coron.

7 E. 1. p. 33. Of Armour. And now in our next Parliament at Westminster, after the said Treaties, War. viz. Upon Sundry Debates, had between us and certain great men of our Realm, the Prelates, Earls, Barons, and the Commonalty of our Realm there Assembled to take advice of this Business, have said, that to us it belongeth, and our part, is through our Royal Seigniorie straitly to defend force of Armour and all other force against our Peace at all times when it shall please us to Punish them which shall do contrary, according to our Laws and Usages of our Realm.

§ 1. N. 3. And hereunto they are bound to aid us as their Sovereign Lord, at all Parliament Sessions when need shall be.

13 E. 1. C. 34. And likewise where a man Ravisheth a woman, Married, Lady, Daughter, or other with force, although the Consent after, he shall have such Judgment (viz. of Life and Member) if he be Attainted at the Kings Suit, and there the King shall have the Suit. Women.

C. 39. (40) § 1. And if the (viz.) whom the Sheriff returns Refusers of Proofs &c. be Convict of such Resistance, they shall be punished at the Kings Pleasure, neither shall any Officer of the Kings meddle in Assigning the Punishment; for our Lord the King hath reserved it specially to himself, because that Refusers have been reputed Disturbers of his Peace, and of his Realm. Process.

13 E. 1. St. 2. And if they (viz. the Watch) do find any that have Lodged, or received Watch. Cap. (3) § 1 any Strangers, or Suspicious Person against the Peace, the Baplifts N. 4. (viz. of the Tow) shall do right therein.

C. 6. § 1. N. 1. And further it is Commanded, that every Man have in his house, Arms, more for to keep the Peace after the Antient Manner. War.

§ 1. N. 12. And the Constables aforesaid, shall present before Justices Assigned, such defaults as they do see in the County about Armour, and of the Suits of Towns, and of Highways; and also shall Present all such as do Lodge Strangers in uplandish Towns, for whom they will not Answer. Constable.

### Statuta Ed. 2.

33 E. 1. St. 2. p. 69. § 1. N. 8. Of Conspirators. And it was further Ordained, that Justices Assigned, viz. by 13 Ed. 1. St. 1. (2.) Cap. 29. (30.) to the hearing and determining, of Felonies and Trespasses, should have the transcript hereof (viz. of this Statute of Conspirators.) Justices.

34 E. 1. St. 2. p. 71. § 1. N. 11. Articles on Winch. (Viz.) To enquire of all between the age of fifteen and forty, be sworn to keep the Peace. Oath.

Also

War.	Also if they have Weapons in their houses according to the Quantity of their Lands and Goods, for maintenance of the Peace, according to the Statute (viz.) 13 Ed. 1. Stat. 2. Cap. 5. (6.)	§ 1. N. 12.
Wine.	(Viz.) Shall enquire upon Oath of such as continually haunt Taverns, and no man knoweth whereon they do Live.	18 E. 2. p. 84. § 28. E. Pledg.
Poor.	Of such as Sleep by day, and Watch by night, and fare well, and have nothing.	§ 29.

## Statuta Ed. 3.

Justices.	Item, For the better keeping, and maintaining of the Peace; The King will that in every County, Good men and Lawful, which be no Main- tainers of Evil, or Barraters in the County, shall be Assigned to keep the Peace. (18 H. 6. Cap. 11.)	1 E. 3. St. 2. C. 16. § 1. N. 2.
Justices.	And that the Opers and Terminers shall not be granted, but before Justices of the one Bench or the other, or the Justices Errant, and that for great hurt, or horrible Trespases, and of the Kings special Grace after the form of the Statute thereof ordained in the time of the said Grandfather, (viz. 13 Ed. 1. West. 2. Cap. 29. (30.) and none otherwise.	2 E. 3. C. 2. § 1. N. 6. Northampton.
Riot.	Item, It is Enacted that no man, great or small, of what Condition so ever he be (except the Kings Servants in his Presence, and his Ministers in Executing of the Kings Precepts, or of their Office) and such as be in their Company Assisting them. And also upon a Cry made for Arms to keep the Peace, and the same in such places where such Acts happen) be so hardy to come before the Kings Justices, or other of the Kings Mini- sters during their Office, with force and Arms. (2 R. 2. Cap. 7.)	Cap. 9
Forec. Market O- vert.	Not bring no force in a tray of Peace. Not to go, nor ride Armed, by night nor by day, in fairs, Markets, nor in the Presence of the Justices or other Ministers; nor in no part else where, upon pain to forfeit their Arms to the King, and their Bodies to Prison at the Kings Pleasure.	§ 1. N. 2. § 1. N. 3.
Offices.	And that the Kings Justices in their Presence, Sheriffs, and other Mi- nisters, in their Bailiwicks, Lords of Franchises and their Bailiffs in the same, and Mayors and Bailiffs, of Cities and Burroughs, within the same Cities and Burroughs, and Burrough-holders, Constables and Wardens of the Peace within their Wards, shall have Power to Execute this Act.	§ 1. N. 4
Justices.	And that the Justices Assigned, at their coming down into the Country, shall have Power to enquire, how such Officers and Lords, have Execu- ted their Offices in this Case, and to punish them whom they find that have not done that which pertained to their Office.	§ 1. N. 5
Peace.	Item, As to the keeping of the Peace in time to come, it is Ordained and Enacted, that the Statutes made in times past, with the Statutes of Winchester, (viz.) 13, Ed. 1. St. 2. Cap. 1. &c. Shall be observed and kept in every point.	Cap. 6.
Prerog.	And where it is Contained in the end of the said Statute of Winchester, (viz. 13. Ed. 1 St. 2. (3.) Cap. 6. § 1. N. 15.) That the Justices Assign- ed shall have Power to Enquire of Defaults, and to report to the King in his Parliament, and the King to Remedy it, which no man hath yet seen; the same Justices shall have Power, to punish the Disobeyers and Ac- sistors.	§ 1. N. 2.
Justices.	Item, It is Ordained, that good and discret Persons, other than of the Places, if they may be found sufficient, shall be Assigned in all the Shires of England, to take Assizes, Juries, and Certifications, and to deliver the Goods.	4 E. 3. C. 7. 2.
Days.	And that the said Justices shall take the Assizes, Juries and Certifica- tions, and deliver the Goods at the least, three times a year, and more often if need be.	§ 1. N. 2.
Peace.	Also there shall be Assigned, Good and Lawful men in every County to keep the Peace.	§ 1. N. 3
Indictments	And at the time of the Assignments mention shall be made, that such as shall	§ 1. N. 4

shall be Indicted or taken by the said Keepers of the Peace, shall not be let to mainprize by the Sheriffs, nor by none other Ministers, if they be not mainprizable by the Law.

§ 1. N. 5. For that such as shall be Indicted shall not be delivered but at the Common Law. Certiorari.

§ 1. N. 6. And the Justices Assigned to deliver the Goals shall have power to deliver the same Goals of those that shall be Indicted before the Keepers of the peace.

§ 1. N. 7. And that the said Keepers shall send their Indictments before the Justices, and they shall have power to Enquire of Sheriffs, Goalers and other, in whose Ward such Indicted persons shall be, if they make delivrance or let to mainprize any so Indicted which be not mainprizable and to punish the said Sheriffs, Goalers and others if they do any thing against this Act.

5 Ed. 3. Cap. 11. It is Enacted that the Justices Assigned to hear and determine such Proces.

§ 1. N. 2. Felonies (viz.) of persons Indictable in one County that dwell in another shall direct their Writs to all the Counties of England where need shall be to take such persons Indicted.

Ca. 14. § 1. N. 3. It is accorded that if any man have any Evil suspicion of such (viz. Robedome Wasters and Drawlatches) be it by day or by night, they shall be incontinently arrested by the Constables of the Townes. Coron.

10 Ed. 3. Ca. 3. And they that will aid themselves by such Charters (viz. of pardon) and have not found mainprize (viz. of such) as above is said, or after the mainprize found bear themselves otherwise against the peace than they ought, their Charters shall be holden for none. Pardon.

18 Ed. 3. p. 99. (An Exigent &c.) against Conspirators, and Confederators of Quarrels, and deceivers of Customs and false money. Outlawy.

§ 1. N. 4. And against them that Commit Riots in Afray of the people.

18 E. 3. St. 2. Commissioners of new Enquiries shall cease serving Indictments of Felonies and Trespasses of Wools carried out without Subsidies, Customs &c. Riot. Enquest.

Cap. 2. Item, That two or three of the best of Reputation in the Counties shall be Assigned Keepers of the Peace by the Kings Commission (18 H. 6. Cap. 11.)

§ 1. N. 2. And at what time need shall be, the same with other Wise and Learned in the Law shall be Assigned by the Kings Commissions to hear and determine felonies and Trespasses done against the peace in the same Counties, and to inflict punishment reasonably according to the Law and Reason and the manner of the deed.

Cap. 5. Item, That from henceforth no Exigent shall go out in case where a man is Indicted of Trespasses, Unless it be against the peace or of things which be contained in the declaration made in this case at the last Parliament holden at Westminster (18 Edw. 3. Sta. 1. p. 109). Outlawy.

25 Ed. 3. Cap. 8. The Justices shall hold their Sessions four times in the year, and at all times that shall be needful (12 R. 2. Cap. 10. § 1. N. 2. and 2 H. 5. Cap. 4. § 2. N. 2.) Duties.

27 Ed. 3. Sta. 2. We have ordained, &c. that if any outrage or Greivances be done to Merchants them (viz. To Merchants Strangers) in the County out of the Staple, the Justices of the Peace, where such Outrages shall be done, shall do speedy Justice to them after the Law Merchant from day to day and from hour to hour without sparing any man, or to drive them to sue at the Common Law.

Ca. 21. § 1. N. 5. And that the said Mayor and Constables (viz. of the Staple) shall have power to keep the peace, &c. Peace.

34 Ed. 3. p. 135. These be the things which our Lord the King, the Prelates, Lords Parliament, and the Commons have ordained in this present Parliament holden at Westminster the Sunday next before the Feast of the Conversion of St. Paul to be holden and published openly through the Realm.

Cap. 1. That in every County of England shall be assigned for the keeping of the Peace one Lord, and with him three or four of the most worthy in the County, with some Learned in the Law. Justices.

§ 1. N. 2. And they shall have Power to restrain the Offenders; Riots, and all other Barrators, and to pursue, arrest, take, and chastise them according to their Trespasses or offence. Riot. And



Imprisonment.	And to cause them to be Imprisoned, and duly Punished, according to the Lawes and Customs of the Realm, and according to that which to them shall seem best to do, by their Discretion and good Advise.	§ 1. N. 3.
Poor.	And also to Inform them, and to Enquire of all those that have been Pillores, and Robbers in the parts beyond the Sea, and be now come again, and go wandering, and will not Labour as they were wont in times past.	§ 1. N. 4.
Process.	And to take, and arrest all those that they may find by Indurment, or by Suspicion, to put them in Prison.	§ 1. N. 5.
Bayl.	And to take of all them that be not of good Fame, where they shall be found, sufficient Surety and Mainprize of their good behaviour towards the King and his People, and the other duly to punish, to the Intent that the people be not by such Riots, or Rebels, troubled, nor endamaged, nor the Peace blemished, nor Merchants, nor others passing by the high-ways of the Realm, disturbed nor put in the peril, which may happen of such Offenders. 1 R. 3. 3. § 1. N. 2.	§ 1. N. 6.
Coron.	And also to Hear, and Determine at the Kings Suit, all manner of felonies and Trespasses, done in the same County, according to the Lawes and Customs aforesaid.	§ 1. N. 7.
Justices.	And that Writs of Oyer and Terminer, be granted according to the Statutes, (viz. 2 Ed. 3. Cap. 7.) thereof made, and that the Justices which shall be thereto Assigned, be named by the Court, and not by the Party.	§ 1. N. 8.
Enquest.	And the King will, that all general Enquiries, before this time granted, within any Seigniories, for the Discheifs and Oppositions, which have been done to the People by such Inquiries, shall cease utterly, and be repealed.	§ 1. N. 9.
Amerciaments.	And that fines which are to be made before Justices for a Trespass done by any Person, be reasonable and just, having regard to the quantity the Trespass, and the causes for which they be made.	§ 1. N. 10.
Measures.	Item, It is Accorded, that they which shall be Assigned to keep the Peace, shall have Power to Enquire of Measures, according to the Statute thereof made the five and twentieth year of the Reign of our Lord the King, (viz. 25 Ed. 3. St. 5. Cap. 9.)	Cap. 5.
Days.	Item, That in the Commissions of Justices of the Peace, and of Labourers, Express mention be made, that the same Justices make their Sessions four times by the year, that is to say, one Sessions within the Week of the Epiphany, the second within the second Week of Lent, the third between the Feasts of Pentecost, and of St. John Baptist, the fourth within the eight days of St. Michael. (2 H. 5. Cap. 4. § 2. N. 2.) 25. Ed. 3. Cap. 8.	35 Ed. 3. C. 12.
Enquest.	It is Assented &c. that &c. in all Enquiries within the Realm, Commissions shall be made to some of the Justices of the one Bench &c. or Justices of the Peace, with others of the most worthy of the County &c.	42 Ed. 3. C. 4. § 1. N. 2.
Accountant.	And that he (viz. that will Complain of Sheriffs, Leaping of the Kings Debt, &c.) have his Suit as well before Justices of the Peace, as before other Justices.	C. 9. § 1. N. 4.

## Statuta Rich. 2.

Peace.	Item, Our Lord the King greatly desiring the Tranquillity and quietness of his People, Willeth, and straightly Commandeth, that the Peace within this Realm of England, be surely observed and kept, so that all his Lawful Subjects may from henceforth, Safely, and Peaceably, go and come, and dwell according to the Law, and Usage of the Realm.	1 R. 2. Cap. 2.
Pleading.	And that Justice, and Right, be indifferently Administered to every Person.	§ 1. N. 6.
Riot.	Commissions shall be awarded to arrest Rioters, and other persons Offensive to the Peace, and to Imprison them.	2 R. 2. C. 7.
Justices.	A Repeal of the Statute of 2 Rich. 2. Cap. 7. touching Riots.	2 R. 2. St. 2. C. 2
Treason.	A profitable Act not Printed. 4 Inst. 176.	2 R. 2. N. 39.
	It shall be Treason to begin a Riot, or Humour 1 Ed. 6. Cap.	Rot. Pat. 5 R. 2. C. 6.

- Cap. 7. § 1. N. 2. And in such case (viz. where entry is given by Law) not with strong Force, hand nor with multitudes of people, but only in peaceable and easy manner (15 Ric. 2. Cap. 2.)
- 7 Ric. 2. Ca. 5. Justices &c. shall Examine Vagabonds, bind them to their good abea- Poor, ring or Commit them to prison.
- Cap. 13. Item, It is ordained and assented, and also the King doth prohibit that Riot, from henceforth no man shall ride in Harness within the Realm Contrary to the form of the Statute (viz. 2 Ed. 3. Cap. 3.) of Northampton thereupon made neither with Launcegay within the Realm, the which Launcegapes be cleerly put out within the Realm, as a thing prohibited by our Lord the King upon pain of Forfeiture of the said Launcegapes, Armour and other Harness in whose hands or possessions they be found that bear them within that Realm, Contrary to the Statutes and Ordinances aforesaid, without the Kings special Licence (20 Rich. 2. Cap. 1.)
- 72 Ric. 2. Ca. 2. Item, It is accorded that the Chancelloz &c. and all others that shall be called to ordain, name, or make Justices of Peace &c. shall be firmly sworn that they shall not ordain, &c. for any gift or Brocage, Favour or Affection. Chancery.
- Cap. 10. Item, It is ordained and agreed, that in every Commission of the Justices of Peace there shall be Assigned but six Justices with the Justices of Assises (14 Ric. 2. Cap. 11.) Justices.
- § 1. N. 2. And that the said six Justices shall keep their Sessions in every Quarter of the Year at least, and by three daies, if need be, upon pain to be punished according to the Discretion of the Kings Counsel at the suit of every man that will Complain, (25 Ed. 3. Cap. 8. and 2. H. 5. Cap. 4. § 2. N. 2. 14 H. 6. Cap. 4. N. 4.) Dayes.
- § 1. N. 3. And they shall enquire diligently among other things touching their Offices, if the said Majors, Baplistis, Stewards, Constables, and Goalers have duly done Execution of the said Ordinances (viz. 12 R. 2. Cap. 3. 4. 5. 6. 7. 8. 9.) Of Servants and Labourers, Beggars and Vagabonds, and shall punish them that be punishable by the said pain of an hundred shillings by the same pain, and they that be found in default and be not punishable by the same pain, shall be punished by their Discretion. Enquest
- § 1. N. 4. And every of the said Justices shall take for their wages four Shillings the day for the time of their said Sessions, and there will be two shillings of the Fines and Amerciaments rising and coming of the same Sessions by the hands of the Sheriffs. Fees.
- § 1. N. 5. And that the Lords of Franchises shall be contributory to the said Wages after their rate of their part of Fines and Amerciaments aforesaid. Franchise.
- § 1. N. 6. And that no Steward of any Lord be Assigned in any of the said Commissions (13 Ric. 2. Cap. 7.) Ability.
- § 1. N. 7. And that no Association shall be made to the Justices of the Peace after their first Commission. Joynder.
- § 1. N. 8. And it is not the Intent of this Statute, that the Justices of the one Bench or of the other, nor the Serjeants of the Law, in case that they shall be named in the said Commissions, shall be bound by force of this Statute to hold the said Sessions four times in the year, as the other Commissioners, the which be Continually dwelling in the County, but that they shall do it when they may best attend it. Appearance.
- 13 Ric. 2. Ca. 7. Whereas it is Contained in the Last Statute made at Canterbury (viz. 12 Rich. 2. Cap. 10. § 1. N. 6.) that no Steward of any Lord shall be Assigned in the Commission of the Justices of Peace, nevertheless for certain causes shewed in this Parliament, it is accorded, and assented, that Justices of the Peace shall be made of new in all the Counties of England, of the most sufficient Knights, Esquires and Gentlemen of the Law, of the said Counties, notwithstanding the said Statute (18 H. 6. Cap. 12.) Ability.
- § 1. N. 2. And that the said Justices be Sworn duly, and without favour to keep and put in Execution all the Statutes and Ordinances touching their Office. Justices.
- Cap. 8. Item, It is ordained &c. that the Statutes and Ordinances made in the last Parliament holden at Canterbury (viz. 12 Ric. 2. Cap. 3. 4. 5. 6. 7. 8. 9.)

§. 9 ) as well of Servants, Labourers, Artificers and Victualers, as of all other things, saving the Exception (viz. 12 R. 2. Cap. 10. § 1. N. 6.) in the next Article before (viz. 13 Rich. 2. Cap. 7.) touching Justices of Peace, &c. shall be firmly kept, and duly executed.

- Coron.** But forasmuch as a man cannot put the price of Corn, and other Victuals in certain, it is Accorded &c. that the Justices of Peace in every County in two of their Sessions to be holden betwixt the Feast of Easter and St. Michael, shall make Proclamation by their discretion according to the Dearth of Victuals, how much every Mason, Carpenter, Tyler and other Craftsmen, Workmen and other Labourers by the day, as well in Harvest, as in other times of the year, after their degree shall take by the day, with meat and drink, or without meat and drink, between the two Sessions before said, notwithstanding the Statutes (viz. 23 Ed. 3. Cap. 6. and 12 R. 2. Cap. 4.) thereof heretofore made, and that every man obey to such Proclamations, from time to time, as a thing done by Statute. § 1. N. 2.
- Fets.** And in the Right of Victualers, it is Accorded, that they shall have reasonable gains, according to the Discretion, and Limitation of the Justices, and no more, upon pain to be grievously punished according to the Discretion of the said Justices, where no Pain is limited in certain before this time. § 1. N. 3.
- Drapery.** And that the Workers, Weavers, and Fullers, (viz. of plain Cloaths of Somerset, &c.) shall put their Seals to every Cloath that they shall work, upon a certain Pain, to be limited by the Justices of the Peace, &c. C. 11. § 1. N. 3.
- Forest.** And that the Justices of Peace have Power to Enquire, (viz.) of Lapmen that have not forty shillings a year, and Clerks not advanced to ten pound a year, that Hunt, or keep Dogs, Nets, &c. and shall enquire of the Offenders in this behalf, and punish them by the Pain aforesaid, (viz. Imprisonment a year.) C. 13. § 1. N. 4.
- Justices.** Item, that in every County, be Assigned eight Justices of Peace, as is contained in the Statute of Canterbury, (viz. 12 Ric. 2. Cap. 10.) besides the Lords Assigned in this Parliament. 14 R. 2. C. 11
- Records.** And that the Estreats of the said Justices be doubled, and the one part delivered by the said Justices to the Sheriff, to Leavy the mony thereof rising, and thereof to pay to the Justices their Wages by the hand of Sheriff, by Indenture betwixt them therereof to be made. § 1. N. 2.
- Sheriffs.** And that the Sheriffs have allowance in their account in the Exchequer, by the same Indenture. § 1. N. 3.
- Dignity.** And that no Duke, Earl, Baron or Baronet, albeit they be Assigned Justices of the Peace, and hold their Sessions with the other Eight, shall take any wages for the said Office. § 1. N. 4.
- Justices.** And that the Justices put their names in the same Estreats, together with the number of the days of their Session, to the intent that the Sheriffs may know to whom to pay Wages, and to whom not, and the Barons of the Exchequer, to whom to allow, and to whom not. § 1. N. 5.
- Seals.** And that the Seals be made for the Servants, and delivered to the keeping of some good man of the County, after the Purport of the said Statute of Canterbury, (viz. 12 R. 2. Cap. 11. N. 4.) § 1. N. 6.
- Measures.** Which Statute, (viz. 12 R. 2. Cap. 10.) with the notification of the same made at the last Parliament, (viz. 13 R. 2. Cap. 7) and the Statute of Weights and Measures. § 1. N. 7.
- Force.** And all other good Statutes and Ordinances made heretofore, and not repealed, shall be holden and kept, and put in due Execution. Item, It is Accorded and Assented, that the Ordinances and Statutes, made and not repealed, of them that make Entries with strong-hand into Lands and Tenements, or other Possessions whatsoever, and them hold with force; and also of these that make Insurrections, or great Ridings, Riots, Routs or Assemblies, in Disturbance of the Peace, or of the Common-Law, or in affray of the People, shall be holden and kept, and fully executed. (8 H. 6. Cap. 9.) 15 R. 2. C. 2.
- Proces.** Joined to the same, that at all times, that such forcible entry shall be made, and Complaint thereof cometh to the Justices of Peace, or to any of them, that the same Justices or Justice, take sufficient Power of the County, and also the Place where such force is made, (13. H. 4. Cap. 7.) (8 H. 6. Cap. 9. N. 2.) § 1. N. 2.

And



- § 1. N. 3. And if they find any that hold such Place forcibly after such entry made, Imprison-  
they shall be taken and put in the next Gaol, there to abide Convict ment.  
by the record of the same Justices or Justice, until they have made fine  
and Ransome to the King. 18 H. 6. Cap. 9. § 1. N. 3.
- § 1. N. 4. And that all the People of the County, as well the Sheriff as others, Process.  
shall be attendant upon the same Justices, to go and assist the same Justi-  
ces to Arrest such Offenders, upon Pain of Imprisonment, and to make  
fine to the King, (8 H. 6. Cap. 9. § 1. N. 4.)
- § 1. N. 5. And in the same manner it shall be done of them that make such forcible Church.  
Entries in Benefices, or Offices of holy Church, (8 H. 6. Cap. 9. § 1. N. 5.)
- 17 R. 2. C. 8. The Sheriffs, and all other the Kings Officers, shall Suppress Riots Riot.  
and Imprison them, and all others Offending against the Peace, 4. Inst.  
51. 13 H. 4. Cap. 7.
- C. 9. § 1. N. 7. Wherefore it is Accorded &c. That the Justices of Peace of all the Count- Fish.  
ties of England, shall be Conservatozs of the said Statutes, (viz. 13 Ed. 1.  
St. 1. (2.) Cap. 47. (48.) and 13 Ric. 2. Cap. 19.) in the Counties where  
they be Justices, and that they and every of them, at all times when they  
may attend, shall Surbey the Offences, and Defaults attempted against  
the Statutes aforesaid.
- § 1. N. 8. And also shall Surbey, and Search all the Wears, in such Rivers, Sewers.  
that they shall not be very strait for the distinction of such Fry, and Wood,  
but of reasonable widenes, after the old Assise used and accustomed.
- § 1. N. 9. And that the same Justices, or any of them which shall find Default, or Process.  
Abuse against the Statutes aforesaid, (viz. 13 Ed. 1. St. 1. (2.) Cap. 47.  
(48.) and 13 Ric. 2. Cap. 19.) shall make due Punishment of them which be  
found in default, after the Content of the same Statute.
- § 1. N. 10. And that the same Justices, shall put good and sufficient Under Conser- Deputy.  
vatozs of the same Statutes, (viz. 13 Ed. 1. St. 1. (2.) Cap. 47. (48.) and  
13 Ric. 2. Cap. 19.) under them, which shall be sworn to make like Surbey-  
ing Search and Punishment, without any favour thereof to be shewed.
- § 1. N. 11. And moreover that the same Justices in their Sessions shall Enquire, Enquest.  
as well by their Office, as at the Instance of the under-Conservatozs a-  
foresaid, of all Trespasses, Imprisions and Defaults made against any  
of the Points aforesaid.
- § 1. N. 12. And shall cause them which be thereof Indicted, to come before them.
- § 1. N. 13. And if they be thereof Convict, they shall have Imprisonment, and Process.  
make fine after the discretion of the same Justices.
- C. 10. Item, Forasmuch as Theeves notoziously defamed, and others taken Imprison-  
with the manner, by their long abiding in Prison after that they be ar- ment.  
rested, be delivered by Charters and favourable Enquests, procured Enquest.  
to the great hindrance of the People.
- § 1. N. 2. It is Accorded and Assented, that in every Commission of the Peace Justices.  
through the Realm, where need shall be, two men of Law of the same  
County where such Commission shall be made, shall be assigned to go  
and proceed to the deliberance of such Theeves and felons, as often as  
they shall think it expedient, (18. H. 6. Cap. 11.)
- 20 R. 2. p. 186. The King at his Parliament holden at Westminster in the feast of St. Parliament.  
Vincent the twentieth year of his Reign, by the Assent of the Prelates,  
Lords and Commons of his Realm of England, assembled in the same  
present Parliament for the Quietness and Tranquillity of his People,  
hath made certain Statutes and Ordinances, in the form which fol-  
loweth.
- Cap. 1. First, whereas in a Statute made the seventh year of the Reign of the Peace.  
King that now is, (viz. 7 R. 2. Cap. 13.) It is Ordained and Assen-  
ted, that no man shall ride Armed within the Realm, against the form  
of the Statute of Northampton, (viz. 2 Ed. 3. Cap. 3.) thereupon made,  
nor with Lance-gaps within the same Realm.
- § 1. N. 2. And that the said Lance-gaps shall be utterly put out within the said War.  
Realm as a thing prohibited by the King, upon pain of forfeiture of  
the same Lance-gaps, Armoys or any other Harnes, in the hands and  
possessions of them that bear them, from henceforth within the same  
Realm, against the same Statutes and Ordinances, (viz. 2 E. 3. Cap. 3.  
& 7 Rich. 2. C. p. 13.) without the Kings special Licence.



- Riot. Our Lord the King, considering the great clamour made to him in this present Parliament, because that the said Statute is not holden, hath ordained and established in the said Parliament, that the said Statutes, (viz. 2 Ed. 3. cap. 3. & 7. Rich. 2. cap. 13.) shall be fully holden, and kept, and duly executed, and that the said Lances-gages shall be thereby put out, upon the pain contained in the said Statute of Northampton (viz. 2 Ed. 3. cap. 3.) and also to make fine and ransom to the King. § 1. N. 3.
- Officer. And moreover, that no Lord, Knight, nor other, little nor great shall go nor ride by night nor by day armed, nor bear Sallet nor Skull of Iron, nor of other Armour, upon the pain aforesaid: Save and except the Kings Officers and Ministers in doing their Office. § 1. N. 4.
- Maintenance. And moreover the King will and hath ordained, that the Statute made the first year of his Reign (viz. 1 Rich. 2. cap. 7. Of Liveries of Hats) shall be holden and kept upon the pain contained in the same Statute, and upon pain to be imprisoned, and make fine and ransom to the King. § 1. N. 5.

## Statuta Hen. 4.

- Justices. Joined thereto (viz. to 1 H. 4. Cap. 7. Of Liveries) that the Justices of the one Bench and of the other, and the Justices of Assises, and of the Peace, have power and authority to enquire hear and determine in this case by Record in their presence, or by inquiry to be made from time to time. 2 H. 4. Ca. 21. § 2. N. 3.
- Force. And if such Disseisor be attainted of such Disseisin made in such forcible manner, he shall have one years imprisonment, and peild to the party greived his double damages. 5 H. 4. Cap. 8. § 1. N. 3.
- Justices. And that in the Commissions of the Peace hereafter to be made, this Article be put in, that the Justices of the Peace have power thereof (viz. of Watches on the Sea-coasts) to make inquiry in their Sessions from time to time, and to punish them which be found in default after the tenor of the said Statute, (viz. 13 Ed. 1. St. 2. (3.) cap. 4. Of Winchester. 4 H. 4. Cap. 3. § 1. N. 2.
- Imprisonment. Item because that divers Constables of Castles within the Realm of England be assigned to be Justices of Peace by Commission of our Lord the King, and by colour of the said Commissions they take people to whom they bear evil will, and imprison them within the said Castles, till they have made fine and ransom with the said Constables for their deliverance. Cap. 10.
- Peace. It is ordained and established, that none be imprisoned by any Justice of Peace, but only in the common Gaol: Saving to Lords and other their Franchise in this Case. § 1. N. 2.
- Peace. And that the Peace within the Realm be holden and kept so, that all the Kings Liege people and Subjects may from henceforth safely and peaceably go, come, and abide, according to the Laws and Usages of the same Realm. 7 H. 4. cap. 1. § 1. N. 4.
- Games. And the Justices of Peace in every County of England, and also the Mayor, and Sheriffs, and Bailiffs of Cities and Boroughs within the same Cities and Boroughs shall have power to inquire of all such deceitful makers of Brads and Quarels, (viz. of Arrows,) and to punish them as aforesaid. C. 7. § 1. N. 6.
- Riot. None shall be punished for repressing the late Riots. Cap. 18.
- Justices. Item, It is ordained and established, that if any Riot, Assembly, or Rout of People against the Law be made in parties of the Realm, that the Justices of Peace, three or two of them at the least, and the Sheriff or Under-Sheriff of the County where such Riot, Assembly, or Rout shall be made hereafter, shall come with the power of the County if need be to arrest them, and shall arrest them, (2 H. 5. cap. 8. and 19 H. 7. cap. 13. And

- § 1. N. 2. And the same Justices and Sheriff, or Under Sheriff, shall have power to record that which they shall find to be done in their presence against the Law ( 2 H. 5. cap. 8. § 1. N. 2. and 19 H. 7. cap. 13. § 1. N. 2. )
- § 1. N. 3. And that by the Record of the same Justices and Sheriff, or Under Sheriff, such Trespassers and Offenders shall be convict in the manner and form as is contained in the Statute of forcible Entries, ( viz. 5 R. 2. Cap. 7. § 1. N. 3. and 15 R. 2. Cap. 2. § 1. N. 3. ) 2 H. 5. Cap. 8. § 1. N. 2. and 19 H. 7. Cap. 13. § 1. N. 3. )
- § 1. N. 4. And if it happen that such Trespassers and Offenders be departed before the coming of the said Justices, Sheriff and Under Sheriff, that the same Justices three or two of them, shall diligently enquire within a Month after such Riot, Assembly or Rout of people so made, and thereof shall hear and determine, according to the Law of the Land, ( 2 H. 5. Cap. 8. § 1. N. 3. and 19 H. 7. 13. § 1. N. 4. )
- § 2. N. 1. And if the truth cannot be found in the manner as is aforesaid, then Certificate: within a Month then next following, the Justices three or two of them, and the Sheriff or Under Sheriff, shall certify before the King and his Counsel, all the Deed and Circumstances thereof, ( 2 H. 5. Cap. 8. § 1. N. 4. and 19 H. 7. Cap. 13. § 1. N. 9. )
- § 2. N. 2. Which Certificate shall be of like force as the Presentment of twelve, Judgment. upon which Certificate, the said Trespassers and Offenders shall be put to Answer, ( 2 H. 5. Cap. 8. § 1. N. 4. )
- § 2. N. 3. And they which shall be found guilty, shall be punished according to the Discretion of the King and his Counsel, ( 2 H. 5. Cap. 8. § 1. N. 5. ) Execution.
- § 3. N. 1. And if such Trespassers and Offenders do Traverse the matter Travers. so certified, the same Certificate and Travers, shall be sent into the Kings Bench, there to be tried and determined, as the Law requireth.
- § 3. N. 2. And if the same Trespassers do not appear before the King and his Counsel, or in the Kings Bench at the first Precept, there shall be another Precept directed to the Sheriff of the County to take the said Trespassers and Offenders if they may be found, and to bring them at a certain day before the King and his Counsel, or into the Kings Bench. Process.
- § 3. N. 3. And if they cannot be found, that the Sheriff, or Under Sheriff shall make Proclamation in his full County next ensuing the delivery of the second Precept, that they shall appear before the King and his said Counsel, or in the Kings Bench, or in the Chancery in time of Vacation, within three weeks then next following. Notice.
- § 3. N. 4. And in case the same Offenders come not as aforesaid is said, and the Proclamation made and returned, they shall be Convict and Attainted of the Riot, Assembly, or Rout aforesaid, notwithstanding any Article or Ordinance made to the contrary. Attainder.
- § 4. N. 1. And moreover that the Justices of Peace, dwelling next in every County where such Riot, Assembly, or Rout of people shall be made hereafter, together with the Sheriff or Under Sheriff of the same County, and also the Justices of Assises for the time that they shall be there in their Session, in case that any such Riot, Assembly or Rout be made in their presence, shall do Execution of this Statute, every one upon pain of an hundred pounds, to be paid to the King, as often as they shall be found in Default of the Execution of the same Statute. Justices.

## Statuta Hen. 5.

- 2 H. 5. C. 4. Item, forasmuch as the Servants and Labourers, of the Shires of the Realm, do fly from County to County, because they would not be Justified by the Ordinances and Statutes by the Law for them made, to the great damage of Gentlemen and others to whom they should serve, because that the Apprentices.

- the said Ordinances and Statutes for them ordained, be not Executed in every Shire.
- Trades. Our Lord the King willing in this case to provide a Remedy, by the Advice and Assent aforesaid, and at the request of the said Commons, hath ordained and established, that the Statute of Labourers made at Canterbury, (viz. 12 R. 2. Cap. 3. &c.) and all other good Statutes of Labourers made and not repealed, be firmly holden and kept, and put in due Execution. § 1. N. 2.
- Process. And moreover that the Justices of Peace have power to send their Writs for such fugitive Labourers to every Sheriff of the Realm of England, and to make Process as the Statute requireth, to bring them before them to answer to our Sovereign Lord the King, and to the parties, of the Contempts and Trespases made or done against the Ordinances and Statutes aforesaid, in like manner as the Justices have power to send to every Sheriff for the felons before them Indicted. § 1. N. 3.
- Apprentice. And also that all the Statutes and Ordinances of Labourers, Servants and Artificers before this time made and not repealed, be Exemplified under the great Seal, and sent to every Sheriff of the Realm of England, thereof to make Proclamation in the full County, and after this Proclamation so made, that every Sheriff shall cause the said Exemplification to him directed, to be delivered to the Justices of the Peace in his County named of the Quorum, or to one of them, to remain with such Justices, which he or shall be, for the better putting of the aforesaid Statutes and Ordinances, in due Execution. § 1. N. 4.
- Sheriffs. And in Shires where divers Commissions of the Peace be made, there shall be so many Exemplifications of the Statutes and Ordinances aforesaid made as be Commissioners of the Peace in the same Shires, and sent to the Sheriffs to make Proclamation, and to deliver the same as is aforesaid. § 1. N. 5.
- Justices. And that the Justices of Peace in every Shire named of the Quorum, be resident within the same Shire, except Lords named in the Commission of the Peace, and also except Justices of the one Bench and of the other, the chief Baron of the Exchequer, Serjeants at the Law, and the Kings Attourney, be attending and occupied in the Kings Courts, or otherwise in some other place occupied in the Kings Service. § 2. N. 1.
- Days. And make their Sessions four times by the year, that is to say, in the first week after the feast of St. Michael, and in the first week after the Epiphany, and in the first week after the Clause of Easter, and in the first week after the Translation of St. Thomas the Martyr, and more often if need be, (36 Ed. 3. Cap. 12. and 25 Ed. 3. Cap. 8. and 14 H. 6. Cap. 4. § 1. N. 4.) § 2. N. 2.
- Apprentice. And that the same Justices hold their Sessions throughout the Realm of England, in the same weeks every year from henceforth 12 Rich. 2. Cap. 10. § 1. N. 2. § 2. N. 3.
8. 6. Apprentices. And also the Justices of Peace from henceforth have power to Examine, as well all manner of Labourers, Servants and their Masters, as Artificers by their Oaths of all things by them done contrary to their said Ordinances and Statutes, and upon that, to punish them upon their confession, after the effect of the Statutes and Ordinances aforesaid, as though they were Convicted by Enquest. § 2. N. 4.
- Sheriffs. And that the Sheriff in every Shire of the Realm of England, shall do well and duly his Office in this behalf, upon pain to lose and to forfeit to our Lord the King twenty pounds. § 2. N. 5.
- Religion. And moreover that the Justices of the Kings Bench, and Justices of the Peace, and Justices of Assize have full power to enquire of all them which hold any Errors or Heresies as Lollards, and which be their Maintainers, Favourers and Sustainers, Common Writers of such Books, as well of the Sermons, as of their Schools, Conventicles, Congregations and Confederacies, and that this Clause be put in Commissions of the Justices of the Peace. Cap. 7. § 1. N. 9.
- Riot. Item, Whereas it is contained in the Statute made the thirteenth year of the noble King Henry, Father to our Lord the King that now is, (viz. § 2. N. 5.) 13. H.



13 H. 4. Cap. 7.) amongst other things, that if any Riote, Assembly or Riote of people, against the Law be made in any part of the Realm, then the Justices of the Peace, three or two of them at the least, and the Sheriff, or under Sheriff of the County where such Riote, Assembly or Riote shall be made hereafter, should come with the power of the said County if need were to arrest them, and them should arrest (19. H. 7. Cap. 13.)

§ 1. N. 2. And (viz. 13 H. 4. Cap. 7. § 1. N. 2.) the same Justices, Sheriff's Record. or under Sheriff, should have power to record that which they find so done in their presence against the Law, and

(viz. 13 H. 4. Cap. 7. § 1. N. 2.) that by Record of the same Justices, Sheriff or under Sheriff, such Trespassers or Offenders, should be Convicted in manner and form as is contained in the Statute of forcible entries, (19 H. 7. Cap. 13. § 1. N. 2. 3.)

§ 1. N. 3. And (viz. 13 H. 4. Cap. 7. § 1. N. 4.) if it happen that such Trespassers or Offenders, were departed before the coming of the Justices, Sheriff or under Sheriff, that the same Justices three or two of them, shall diligently enquire within a month after such Riote, Assembly or Riote of people so made, and the same hear and determine according to the Law of the Land. Enquest.

§ 1. N. 4. And (viz. 13 H. 4. Cap. 7. § 2. N. 1.) if the truth could not be found in manner as aforesaid, within a month then next ensuing, the said Justices three or two of them, and the Sheriff or under Sheriff, shall certify before the King and his Counsel, the Deed and circumstance of the same, (viz. 13 H. 4. Cap. 7. § 2. N. 2.) which Certificat shall be of like force as the Presentment of twelve men, upon which Certificat, the said Trespassers and Offenders shall be put to Answer. Certificat.

§ 1. N. 5. And (viz. 13 H. 4. Cap. 7. § 2. N. 2.) they which be found guilty should be punished according to the discretion of the King and his Counsel. Judgement.

§ 1. N. 6. And (viz. 13. H. 4. Cap. 7. § 4. N. 1.) moreover that the Justices of Peace, dwelling nearest in every County where such Riote, Assembly, and Riote of people should be made hereafter, together with the Sheriff or under Sheriff of the same Counties, and also the Justices of Assize for the time that they shall be in their Sessions, in case that any such Riote, Assembly, or Riote be made in their presence, shall make Execution of this Statute every one of them, upon pain of 100l. to be paid to the King, as often as they shall be found in default of Execution of the same Statute. Justices.

§ 1. N. 7. And forasmuch as many Riotes, Riotes, and Assemblies have been made in divers parts of the Realm, since the making and proclamation of the same Statute, viz. 13. H. 4. Cap. 7.) because that the same Statute hath not been put in due Execution, as our Sovereign Lord the King perceived by divers and grievous complaints to him made in this present Parliament. Process.

§ 1. N. 8. The same our Lord the King willing hercof to provide a better remedy, by the advice and assent aforesaid, and at the suit of the said Commons hath ordained and established, that if default be found in the said two Justices of the Peace, or Justices of Assize, and the Sheriff or under Sheriff of the County, where such Riote, Assembly or Riote shall be made, touching the Execution that they ought to make by Virtue of the said Statute, (viz. 13. H. 4. Cap. 7.) and whereof the said Statute maketh mention, that then at the instance of the party grieved, the Kings Commission shall go out under his great Seal, to enquire as well of the truth of the Case, and of the Original matter for the party Complainant, as of the Default or Defaults, of the said Justices, Sheriff or under Sheriff in this behalf, supposed to be directed to sufficient and indifferent persons, at the nomination and by the direction of the Chancellor of the Realm of England. Riot.

§ 1. N. 9. And that the said Commissioners presently shall return into the Chancery, the Enquests and matters before them, in this behalf taken and found. Return.

§ 1. N. 10. And moreover that the Coroners of the same County for the time being, Enquest.



- in which Countyp such Riot, Assembly and Rout shall be made, shall make the Pannel upon the said Commission, returnable for the time that the Sheriff so supposed in default shall continue in his Office.
- Enquest.** Which Coroners shall return no persons, but only such which have Lands, Tenements or Rents, to the value of ten pounds by the year at least. § 1. N. 11.
- Coron.** And also that the same Coroners shall return upon every of the said persons impanelled at the first day when Issues be to be left, 20 s. at least, and at the second day, 40 s. at least, and at the third day, 100 s. at least, and at every day after the double at the least; which Issues so returned in respect of nonappearances of such persons impanelled, shall be adjudged as forfeit to the King and Payable to his use. § 1. N. 12.
- Return.** And if default be found in the said Coroners, touching the returne of such persons to be Impanelled, or touching the return of such Issues as afore is said, that every of them shall forfeit to the Kings use forty pounds. § 1. N. 13.
- Sheriff.** And if it happen the said Sheriff, so reputed in default, be discharged of his Office at the time that such Commission shall be awarded out of the Chancery, that then the new Sheriff of the same County, his Successor mediāt or immediāt for the time being, and not the Coroners of the same County shall make the Pannel upon this Commission returnable, in manner and form as the said Coroners should do in time when the Sheriff, so reputed in default Continued in his Office. § 1. N. 14.
- Sheriff.** And that the same new Sheriff, shall incur like pain of forty pounds to the King, if any default in him be found, touching the returne of other person by him Impanelled, which have not Lands, Tenements or Rents, to the value of Ten pounds by the Year, or of returning such Issues, which the Coroners be above charged to return, as the said Coroners are to lose to the King in this behalf. § 1. N. 15.
- Chancery.** And that the Chancellour of England, for the time being as soon as he may have knowledge of such Riot, Assembly or Rout, shall cause to be sent the Kings Writ, to the Justices of the Peace, and to the Sheriff or under Sheriff of the County, where they be so made, that they shall put the Statute, (viz. 13 H. 4. Cap. 7.) in Execution upon the pain Contained in the same. § 1. N. 16.
- Execution.** And though that such Writ come not to the said Justices, Sheriff or under Sheriff, they shall not be excused of the pain aforesaid, if they make not Execution of the said Statute, (viz. 13. H. 4. Cap. 7.) § 1. N. 17.
- Fees.** Provided allwayes that the said Justices, and other Officers aforesaid shall execute their offices aforesaid, at the Kings costs in going and Continuing in doing their said Offices by payment thereof to be made by the Sheriff of the same County, for the time being by Indenture betwixt the Sheriff and the said Justices and other Officers aforesaid, to be made of the payment aforesaid, wherof the said Sheriff upon his account in the Exchequer may have due allowance. § 2. N. 1.
- Riot.** And that such Rioters attainted of great and hainous Riots shall have one whole years Imprisonment at the least without being let out of Prison by Wap, Mainprise, or in other manner, during the year aforesaid. § 2. N. 2.
- Imprisonment.** And that the Rioters, attainted of petty Riots, shall have Imprisonment as best shall seem meet, to the King, or to his Counsel. § 2. N. 3.
- Americament.** And that the fines of such Rioters attainted, shall be by the said Justices increased and put to greater sums then they were wont to be put in such cases, before the time in aid and Supportation of the Justices and other Officers aforesaid in this behalf. § 2. N. 4.
- Process.** And that the Kings Leige people being sufficient to Travel in the County, where such Riots, Assemblies or Riots be, shall be Assistant to the Justices, Commissioners, and Sheriff or under Sheriff, in aid to resist such Riots, Riots and Assemblies upon pain of Imprisonment, and to make Fine and Ransom to the King. § 2. N. 5.
- Franchise.** And that the Waplifts of Franchises shall cause to be Impanelled sufficient persons as before, upon pain to loose to the King forty pounds. § 2. N. 6.

in case that such sufficient persons may be found within the same franchises.

§ 2. N. 7. And that like Ordinances and payments shall hold place and take Corporation effect in Cities, Burroughs and other places and Towns, Infranchised which have Justices of the Peace, within the Cities, Burroughs Towns, and other places aforesaid.

§ 2. N. 8. And that this Statute shall begin to hold place presently after the Dayes. Proclamation thereof made.

Cap. 9. § 2. N. 1. Provided alwayes that the suggestions of such Riots (viz. by persons Riot. fled to places unknown) be testified to the Chancelor of England, by Letters sealed under the Seals of two Justices of Peace at the least, and the Sherif of the County where such Riots shall be made, before that the Writ of Capias be granted (8 H. 6. Cap. 14. § 2. N. 1.)

2 H. 5. St. 2. Our Lord the King at his Parliament holden at Westminster the Mon. Parliament. p. 217. day next after the Uras of St. Martin, the second year of his Reign, by the Advice and Assent of the Lords Spiritual and Temporal, and at the special Instance and request of the Commons of his Realm then there Assembled, hath ordained and established, divers Ordinances and Statutes, in the manner and form as followeth.

Cap. 1. First, that the Justices of the Peace from henceforth to be made with Justices. in the Counties of England, shall be made of most sufficient persons dwelling in the same Counties, by the advice of the Chancelor, and of the Kings Counsel, without taking other persons dwelling in Forraign Counties to execute such Office, except the Lords and the Justices of Assises, now named and to be named, by the King and his Counsel; and except all the Kings cheif Stewards of the Lands and Seigniories of the Duchy of Lancaller, in the North parts, and in the South for the time being.

3 H. 5. St. 2. And that the Justices of Peace through the Realm, shall have power Mony. C. 7. § 1. N. 3. by the Kings Commissions, to enquire of all such matters, (viz. as well of Counterfeiting and of bringing of false mony into the Realm, as of clipping, washing and every other falsity of the said mony) and thereupon make Process by Capias only against these which before them, shall be there of Indicted.

2 H. 5. C. 3. § 1. And the Justices of Peace shall have power to enquire thereof, (viz. Mettle. N. 4 of Guinding or Silvering of Mettles, &c.) and that to determin.

### Statuta Hen. 6.

2 H. 6. Cap. 8. AD that the Justices of Peace within the Counties, and the Mayors Ireland. § 2. N. 2. ors and Bailiffs within Cities and Burroughs Enfranchised, have power to take before them, (viz. of Irish men that enter this Realm) such manner of Surety of good abearing, and to do Execution upon them which shall abide, or do against the said Ordinances, from henceforth.

C. 11. § 1. N. 5. And the Justices of Peace in all Counties of England and Mayors Measures. and Bailiffs having power to enquire of the Peace, shall enquire, hear and determin all the same defaults, (viz. in the Contents of Vessels of Wine, Eels, Herring, Salmon, &c.)

C. 14. § 1. N. 8. And the Justices of Peace, Mayors and Bailiffs, and all others having power as Justices of Peace, shall hear, enquire and determin, (viz. Mettle. of Gold smiths, and others not working Silver by the touch or Sterling allay) by Bill, Plaint or in other manner, all that do contrary to the said Ordinances, and thereof make due Execution by their discretions.

6 H. 6. Cap. 5. The Justices of Peace, and cheif Officers in Cities, &c. shall make Apprentice. Proclamation, what every Artificer and Workman shall take for Wages, and the Penalty of a Servant, Artificer or Labourer, that taketh more.

2 H. 6. Cap. 5. And that the Justices of Peace, Mayors, Bailiffs and Stewards Measures. § 2. N. 7. of franchises, have power by Authority aforesaid, to Examin the Crel-passers in this Case, (viz. of false Weights) and to enquire in special of.

Offenders against this Ordinance, and to do Execution of them that be found fault by Enquests, or by Examination to be made by the said Judges, or Officers in this case, in the manner as afore is said.

Force.

Item, Whereas by the noble King Richard late King of England, after the Conquest the second, at his Parliament holden at Westminster, the thirtieth after All Souls, the sixteenth year of his Reign, (viz. 15 R. 2. Cap. 2.) amongst other things it was Ordained and Established, that the Statutes and Ordinances made and not repealed, of them that make Entries with strong hand into Lands or Tenements, or other Possessions whatsoever, and them hold with Force; and of them that make Insurrections, Riots, Routs, Ridings and Assemblies, in disturbance of the Peace, or of the Common Law, or in affray of the People, should be holden and fully Executed.

Cap. 9.

Justices.

And moreover it is ordained by the same Statute, (Viz. 15 R. 2. Cap. 2. § 1. N. 2.) that at all times that such forcible Entries be made, and complaint thereof come to the Justices of Peace, or any of them, that the same Justices or Justice, shall take the power of the County, and shall go, or one of them shall go to the place where such force is made.

§ 1. N. 2.

Force.

And (viz. 15 R. 2. Cap. 2. § 1. N. 3.) if they find, or he findeth any holding of such place forcibly after such Entry made, they should retaken and put in the next Goal, there to remain convicted by the Record of the same Justices or Justice, until they have made fine and Ransom to the King.

§ 1. N. 3.

Process.

And (viz. 15 R. 2. Cap. 2. § 1. N. 4.) that all the people of the County, as well Sheriffs as others, shall be attending to the said Justices, and assist them to arrest such Malefactors, upon pain of Imprisonment, and to make fine and Ransom to the King.

§ 1. N. 4.

Church.

And (viz. 15 R. 2. Cap. 2. § 1. N. 5.) that in the same manner be done of them that make forcible Entries into Venues or Offices of holy Church, as in the same Statute is contained more at Large.

§ 1. N. 5.

Collusion.

And for that the said Statute, (viz. 15 R. 2. Cap. 2.) doth not extend to Entries in Tenements in peaceable manner and after holden with force, nor if the persons which enter with force into Lands or Tenements be removed or voided, before the coming of the said Justices or Justice, as before, nor any Pain ordained, if the Sheriff do not obey the Commands and Precepts of the said Justices, for to execute the said Ordinances, many wrongful and forcible Entries be daily made in Lands and Tenements by such as have no Right, and also divers Gifts, Froffments, and Discontinuances sometimes made to Lords, and other puissant Persons and Extortioners, within the said Counties where they be conversant, to have Maintenance; and sometimes to such persons as be unknown to them, so put out, to the intent to delay and defraud such rightful Possessions of their right and recovery for ever, to the final Dishonour of divers of the Kings faithful Liege-people, and likely daily to encrease, if due remedy be not provided in this behalf.

§ 2. N. 1.

Assurances.

Our Lord the King considering the Premises, hath ordained that the said Statute, (viz. 15 R. 2. Cap. 2.) and all other Statutes of such Entries or Aliens made in times past, shall be holden and duly Executed.

§ 2. N. 2.

Force.

Joined to the same, (viz. to 15. R. 2. Cap. 2.) that from henceforth where any doth make any forcible Entry in Lands and Tenements, or other Possessions, or them hold forcibly, after Complaint thereof made within the same County where such Entry is made to the Justices of Peace, or to one of them, by the party grieved, that the Justices or Justice so warned within a convenient time, shall cause, or one of them shall cause the said Statute, (viz. 15. R. 2. Cap. 2.) duly to be Executed, and that at the costs of the Party so grieved.

§ 2. N. 3.

Enquest.

And moreover, though that such persons making such Entries be present, or else departed before the coming of the said Justices or Justice, in some good Town next to the Tenements so entered, or in some other convenient place, according to their discretion shall have, or either of them shall have Authority and power to enquire by the people of the same County, at

§ 3. N. 1.



as well of them that make such forcible entries into Lands and Tenements, as of them which the same hold with force.

- § 3. N. 2. And if it be found before any of them that any doth contrary to this Statute, then the said Justices or Justice, shall cause to be releised the Lands and Tenements so entred or holden as aforesaid, and shall put the Party so put out, in full possession of the same Lands and Tenements, so entred or holden as before. Justices.
- § 3. N. 3. And if any person after such entry into Lands and Tenements holden with force, make a feoffment or other Discontinuance, to any Lord or other person to have Maintenance, or to take away and defraud the Possession of his recovery in any wise; if after in Assise, or other Action thereof to be taken, or pursued before the Justices of Assises or other the Kings Justices whatsoever, by due enquiry thereof to be taken, the same Feoffments and Discontinuances may be duly proved to be made for Maintenance as aforesaid is said, that then such Feoffments, or other Discontinuances so as before made, shall be Void, Frustrate and holden for none. Assurances.
- § 4. N. 1. And also when the said Justices or Justice, make such Enquiries as before, they shall make, or one of them shall make their Warrants and Precepts, to be directed to the Sheriff of the same County, Commanding him of the Kings behalf, to cause to come before them and every of them, sufficient and indifferent persons, dwelling next about the Lands so entred as before, to enquire of such Entries. Process.
- § 4. N. 2. Whereof every man which shall be impannelled, to enquire in this behalf, shall have Lands or Tenements of the yearly value of forty shillings at the least by the year, above Repayres. Enquest.
- § 4. N. 3. And that the Sheriff return Issue upon every of them at the day of the first Precept returnable twenty shillings, and at the second day forty shillings, and at the third an hundred shillings, and at every day after the double. Sheriffs.
- § 4. N. 4. And if any Sheriff or Bailiff within a Franchise, having return of the Kings Writ, be slack, and make not Execution duly of the said Precepts to him directed to make such Enquiries, that he shall forfeit to the King twenty pounds for every Default, and moreover shall make Fine and Ransom to the King. Return.
- § 5. N. 1. And that as well the Justices or Justice aforesaid, as the Justices of Assises and every of them, at their coming into the County to take Assises shall have, and every of them shall have Power to hear and determine, such Defaults and Negligencies of the said Sheriffs and Bailiffs, and every of them, as well by Bill at the Suit of the Party grieved, for himself as for the King, to sue by Indictment only to be taken for the King. Justices.
- § 5. N. 2. And if the Sheriff or Bailiff be duly attainted in this behalf, by Indictment or by Bill, that he which sueth for himself and for the King, have the one Moiety of the forfeiture of twenty pounds, together with his Costs and Expenses. Sheriffs.
- § 5. N. 3. And that the same Process be made against such persons Indicted, or sued by Bill in this behalf, as should be against Persons Indicted or sued by Writ of Trespass, done with force and Arms against the Peace of the King. Process.
- § 6. N. 1. And moreover if any Person be put out or disseized of any Lands or Tenements in forcible manner, or put out peaceably, and after holden out with strong hand, or after such Entry any Feoffment or Discontinuance in any wise thereof be made, to defraud and take away the Right of the Possessor, that the Party grieved in this behalf shall have Assise of Novel Disseisin, or a Writ of Trespass against such Disseisor. Disseisor.
- § 5. N. 2. And if the Party grieved, recover by Assise or by a Action of Trespass, and it be found by Verdict, or in other manner by due form in the Law, that the Party Defendant entred with force into the Lands and Tenements, or them after his entry did hold with force, that the Plaintiff shall recover his treble Damages against the Defendant. Force.
- § 6. N. 3. And moreover that he make Fine and Ransom to the King. Amercement.
- § 6. N. 4. And that Mayors, Justices or Justice of the Peace, Sheriffs and Bailiffs of Cities, Towns and Boroughs having Franchise have in

in the said Cities, Towns and Boroughs, like power to remove such Entries, and in other Articles aforesaid rising within the same, as the Justices of Peace and Sheriffs, in Counties and Countries aforesaid have.

**Forcc.** Provided always, that they which keep their Possessions with force in any Lands and Tenements, whereof they or their Ancestors, or they whose Estate they have in such Lands and Tenements, have continued their Possessions in the same by thre years or more, be not endamaged by force of this Statute. § 7. N. 1.

**Riot.** Our Lord the King, &c. hath ordained &c. that the said Statute, (viz. 2 H. C. 14. § 1. N. 15. 5. Cap. 9.) shall now be kept, and firmly holden for a Statute for ever, &c.

**Certificat.** Provided always, that it be testified by two Justices of Peace of the Counties where such Riot shall be supposed that the common Fame and Voice runneth in the same Counties of the same Riots, before that the Writ of Capias shall be awarded. (2 H. 5. Cap. 9. § 2. N. 1.) § 2. N. 1.

**Indictment.** Item, Our Lord the King considering the great Losses and Damages which often times have come, and be like to come hereafter, as well to himself as to many of his Leiges, for that where as well divers Indictments and Suits for our Lord the King, as other Suits between party and party, have been taken before divers Justices of the Peace Assigned by several Commissions of our said Lord the King in divers Counties of England, and divers Pleas and Processes upon these Indictments have been often made, and hanging before the same Justices not determined, the which Pleas and Processes have been often discontinued, by making new Commissions of the Peace in those Counties, to the great Loss of our said Lord the King and of his Subjects, in delay of the same Pleas and Suits, and of the Deliverance of his said Subjects. 11 H. 6. C. 6.

**Abatement.** And upon that our Lord the King willing to provide remedy of the Assent and Authority aforesaid, hath Ordained and Established, that in all such Pleas, Suits and Processes, in them to be taken and to be made before Justices of Peace in any County of England, the said Pleas and Processes in such Suits to be done, shall not be discontinued by such new Commissions of the Peace to be made, but these Pleas and Processes shall stand in their force. § 1. N. 2.

**Justices.** And the Justices in the same new Commission so Assigned, after that they shall have the Records of the same Pleas and Processes before them, shall have Power and Authority to continue the said Pleas and Processes, and the same Pleas and Processes and all that depend upon them, to hear and finally to determine, as the other Justices might and ought to have done of and in the same, if no new Commission had been made. § 1. N. 3.

**Wax.** And that as well every Justice of Peace in the County where he is Justice, as Mayors and Bailiffs within Cities and Boroughs, Stewards of Lords within the Franchises of their Lords, have Power and Authority, to Examine and Search, (viz. those that sell Wax-Candles too dear) as well by Weights of such Candles, Images, Figures and other Works of Wax, as in other manner by their Discretion, and all them that any thing shall hereafter do against this Statute, and to punish them that by such Examination and Search shall be found guilty in the form aforesaid. C. 12. § 1. N. 4.

**Dayes.** Item, Whereas it was Ordained by a Statute, (viz. 12 Rich. 2. Cap. 10. § 1. N. 2.) that the Justices of Peace of all the Counties of England for the time being, should sit and hold all their Sessions four times by the year, to Enquire and Execute all Charges contained in their Commission, which they be sworn to do according to the form of the Statute, upon a great pain, as by the same Statute more fully appeareth. 14 H. 6. C. 4.

**Justices.** Our Lord the King considering that all the high Courts be set and holden in the County of Middlesex, continually during all the four times of the Term, by which time of Term, the Commons Inhabiting in and of the same County, must attend from time to time to Enquire of all the Articles to the said Courts belonging, as Reason and Law requireth, and that presently after every of the said Terms ended, the said Justices

Justices of the said County do sit and hold their Sessions in the same County as they ought to do by force of the said Statute, (viz. 12 R. 2. Cap. 10. § 1. N. 2.) more to avoid the said Penalty than for any other necessary thing there to be required, at which Sessions they cause to come before them, a great part of the Inhabitants and Commons of the said County of Middlesex, to enquire of all manner of things, as to them is given in charge, and by that means they be charged and vered throughout all the year, as well out of the time of Term as in the time of Term, so that they have no rest nor time to do their Husbandry and their Labour, to get their Living in any wise, to their utter undoing, if they be not relieved in this behalf.

§ 1. N. 3. Therefore the same our Lord the King willing in this case to provide for Peace. them a Remedy, hath Ordained, by the Advice and Assent aforesaid, and at the Request of the said Commons of the Realm, that the Justices of Peace which now be, and all other hereafter for the time being in the said County of Middlesex, shall be clearly discharged of the said Penalty by Authority of the same Parliament from henceforth, the Court of Kings Bench being set in the said County of Middlesex.

§ 1. N. 4. Provided always that the said Justices of Peace of the said County of Middlesex for the time being, keep, observe and execute the Court of the Sessions of the Peace, two times in the year at least, and more often if need be, for any Riot, or forcible Entry made within the same County of Middlesex, and that upon the Pain and Forfeiture of such Sums as be for that ordained, by any Law made before this time, to the end and intent, that the said Commons and Inhabitants of the said County of Middlesex, be not enforced nor compelled to appear before the Justices of Peace of the same County for the time being, but at such time which shall seem by the Discretion of the same Justices of Peace necessary and behoofeful, 25 Ed. 3. Cap. 8. & 36 Ed. 3. Cap. 12. 12 R. 2. Cap. 10. § 1. N. 2. & 2 H. 5. Cap. 4. § 2. N. 2.

18 H. 6 cap. 11. Item, Whereas by Statutes, (viz. 1 E. 3. Cap. 16. § 1. N. 2. 18 E. 3. St. 2. Cap. 2. & 13 R. 2. Cap. 7. & 17 R. 2. Cap. 10. § 1. N. 2.) made in the time of the Kings noble Progenitors, it was Ordained that in every County of England, Justices should be Assigned of the most worthy of the same Counties to keep the Peace, and to do other things as in the same Statutes fully is contained, which Statutes notwithstanding now of late in many Counties of England, the greatest number have been Deputed and Assigned, which before this time were not wont to be, whereof some be of small Behaviour, by whom the People will not be Governed nor ruled, and some for their necessity do great Extortion and Oppression upon the People, whereof great Inconveniences be likely to rise daily, if the King thereof do not provide Remedy.

§ 1. N. 2. The King willing against such Inconveniences to provide Remedy, hath Ordained and Established by Authority aforesaid, that no Justices of Peace within the Realm of England in any County, shall be Assigned or Deputed, if he have not Lands and Tenements to the value of 20 l. by year.

§ 1. N. 3. And if any be Ordained hereafter to be Justices of Peace in any County, which hath not Lands or Tenements to the value aforesaid, that he thereof shall give knowledge to the Chancellor of England for the time being, which shall put another Sufficient in his place.

§ 1. N. 4. And if he give not the said knowledge as before, within a Month after that he hath notice of such Commission, or if he sit, or make any Warrant or Precept by force of such Commission, he shall incur the Penalty of 20 l. and nevertheless be put out of the Commission as before.

§ 1. N. 5. And the King shall have one half of the said Penalty, and he that will sue for the King the other half, and he that will sue for the King and for himself, shall have an Action to demand the same Penalty, by Writ of Debt at the Common Law.

§ 2. N. 1. Provided always, that this Ordinance shall not extend to Cities, Corporations or Boroughs which be Counties Incorporated of themselves, nor to Cities, Towns or Boroughs, which have Justices of Peace of Persons dwelling on.



- dwelling in the same by Commission, or Warrant of the King or of his Progenitors.
- Ability. Provided also, that if there be not sufficient Persons having Lands and Tenements to the value aforesaid, learned in the Law, and of good Governance within any such County, that the Chancelor of England for the time being, shall have power to put other discreet persons learned in the Law in such Commissions, though they have not Lands or Tenements to the value aforesaid, by his Discretion. § 2. N. 2.
- War. And if it be found by Enquiry before Justices of Peace and proved, that they, (viz. Souldiers) have so mustred of Record, and departed from their Captains aforesaid, (viz. within the term of retainer) without Licence as aforesaid is said, (viz. under Seal of Captain for Sicknes &c.) that then they shall be punished as Felons. C. 19. § 2. N. 5.
- Sheriffs. And that the Justices of Assises in their Sessions, &c. and Justices of Peace in their County, shall have power to enquire, hear and determine of Office without special Commission, of and upon all them, (viz. Sheriffs, Bailiffs, Coroners, &c.) that do contrary to these Ordinances, in any Article or point of the same. 23 H. 6. C. 10. § 2. N. 13.
- Fees. And the Justices of the Kings Bench and of the Common-place, Justices of Assises and Goal-delivery, and Justices of Peace in every County, shall have power to enquire, hear and determine of all the said Defaults, as well by Enquiry at the Kings Suit as by Action at the Suit of the Parties, (viz. for undue levying of Wages of Knights of Shires of Parliament. C. 11. § 3. N. 1.
- Attorney. And if any Person or Persons usurp, or presume to be Attorneys in Courts of Record in the said Counties, (viz. of Norfolk or Suffolk) or City, (viz. of Norwich) otherwise then before is specified, (viz. by Election of the Justices, &c.) and that found by Enquisition taken before the Justices of Peace in the said City or Counties, (which shall have power by Virtue of this Ordinance to enquire thereof in their Sessions) or in any other manner lawfully proved, that then he or they that so presume, if they be thereof lawfully Convicted, shall forfeit twenty pounds, &c. 33 H. 6. C. 7. § 3. N. 8.

## Statuta Ed. 4.

- Sheriffs. **B**UT that the said Sheriffs and their Under Sheriffs, Clerks or Bailiffs and their Ministers, shall bring present, and deliver all such Indictments, (viz. of Felony, Trespas, &c.) or Presentments taken before them or any of them, in their Towns or Law-days aforesaid, to the Justices of Peace, at their next Sessions of the Peace that shall be holden in the County or Counties, where such Indictments and Presentments shall be taken before the Justices of such County or Counties for the time being. 1 Ed. 4. C. 2. § 3. N. 4.
- Indictments. And that the said Justices of Peace shall have Power and Authority to Award Process upon all such Indictments as the Law doth require, and in like form as if the said Indictments and Presentments were taken before the said Justices of Peace in the said County or Counties, and also to Arraign and deliver all such Person or Persons so Indicted and Presented, before the said Sheriffs, Under Sheriffs, their Clerks, Bailiffs and their Ministers or any of them, in their Towns or Law-days. § 3. N. 6.
- Amercement. And all such Person or Persons which be Indicted or Presented of Trespas, shall make such a fine as shall seem lawful by their Discretions. § 3. N. 7.
- Drapery. And that every Justice of Peace for the time being of every County of this Realm, throughout the same County out of Cities, Boroughs and Towns where any Mayor, Master, Warden, Bailiff or Bailiffs is or be, and shall have Power and Authority by this Ordinance, to hear and determine the Complaints of every such Cloath-maker and Labourer, as well for Non-payment of the said Labourers wages, as of the said forfeiture and Damages by due Examination of the Parties in this behalf. thereupon 4 Ed. 4. C. 1. § 6. N. 3.

for nonpayment of the said Duties and forfeiture, and for the said Damages, to comit the said Offenders in this behalf, to the next Goal within the same County, there to remain till the said Duties, Forfeitures and Damages be fully paid to the said Labourer or Cloath-maker.

§ 6. N. 4. And also that every of the said Justices of Peace, &c. upon the Information or Complaint of any other Person which is not grieved in this behalf, shall have power by the said Authority within his Jurisdiction, to cause the Party to come before him against whom such Information or Complaint shall be made for Offending this Ordinance, and to examine him in and upon the matter contained in the same Information or Complaint. Justices.

§ 6. N. 6. And that every of the said Justices of Peace, &c. within his Jurisdiction upon every of the said Informations or Complaints, shall have full power to make like Process against the Party upon whom any such Information or Complaint as before is rehearsed, shall be made, to cause him personally to appear before him, thereupon to be examined, as Justices of Peace have upon Information or Complaint made to them for surety of the Peace, without any Fee or Reward, to be taken or had by any of the said Justices, &c. Process.

12 Ed. 4. C. 9. And the Justices of Peace in every place Corporate, and the Justices of Peace in every other place having Justices of Peace within them, shall have power to hear and determine every such Forfeiture, (viz. of Escheator not having twenty pound a year, or Letting to Farm, &c.) upon Presentment thereof had before them in their Sessions. Corporation.

§ 6. N. 15. In which Presentment like Process shall be had as is used upon Indictments of Trespas, done with force and Arms against the Kings Peace. Process.

17 Ed. 4. C. 4. And also that the Justices of Peace for the time being within any County of this Realm, and every of them shall have full power to enquire, hear and determine by their discretions, as well by Examination or otherwise, the Defaults Offences and Trespases which shall happen to be committed contrary to this Ordinance, (viz. of Tile-makers) as well at the Kings Suit, as at the Parties which shall feel himself grieved in that behalf. Mafons.

§ 1. N. 14. And if it be found or may appear, to the Justices of Peace or any of them, by Examination or otherwise by their Discretion, that any Person or Persons hath offended contrary to this Ordinance, that then the same Justices before whom it shall be found or appear, shall assels upon the Offenders in this behalf, no less Fine than for every M. of plain Tile set to sale contrary to this Ordinance Vs. and for every C. of Roof-tile Vls. VIII d. and for every C. of Corner-tile, or Gutter-tile II s. sold contrary to this Ordinance, &c. Justices.

§ 1. N. 15. And that the same Justices shall have full power to call before them or any of them, at any time and place requisite, such and so many persons as by their Discretion have or shall have best experience in the Occupation of making of Tile, to search or examine in the digging, casting, turning, parting, making, whitning and anealing aforesaid. Process.

§ 1. N. 18. And if the same Searchers or any of them do find, that any person or persons exercising the Occupation of Tile-making, do offend contrary to this Ordinance, that then the same Searchers shall present such Defaults before the Justices of Peace at their next Sessions. Indictment.

§ 1. N. 19. And that every such Presentment shall be as strong and effectual in Enquest. the Law, as the Presentment of twelve men.

§ 1. N. 12. And that the Justices of Peace shall have power to examine, Enquire and determine the Defaults of such Searchers in the Premises, in like form as above is ordained for the Defaults of Tile-makers. Justices.

## Statuta Rich. 3.

- Bayl. **B**E it enacted, &c. that every Justice of Peace in every Shire City or Town, shall have Authority and Power by his or their Discretion, to Let such Prisoners and Persons so arrested, ( viz. on malice, or light Suspicion of Felony ) to Bail or Mainprize in like form as though the same Prisoners or Persons were Indicted thereof, of record before the same Justices in their Sessions, 3 H. 7. Cap. 3. § 1. N. 7. and 34 Ed. 3. 1. § 1. N. 6. 1 R. 3. Cap. 3. § 1. N. 2.
- Coron. And that Justices of Peace have Authority to Enquire in their Sessions, of all manner Escapes of every person Arrested and Imprisoned for Felony. § 1. N. 3.
- Fines. And it is Ordained &c. that a like Transcript of the same Fine, ( viz. in C. B. ) shall be sent to the Justices of Peace of the County where the said Lands. &c. be, they to cause open and solemn Proclamation of the said Fine to be made, at four general Sessions of the Peace to be holden the same year. Cap. 7. § 2. N. 1.

## Statuta Hen. 7.

- Forst. **T**HE King our Sovereign Lord &c. Ordained, that at every such time as Information shall be made of any such unlawful Huntings, ( viz. in Forests, Parks and Warrens ) by night, or with painted faces hereafter to be done to any of the Kings Counsel, or to any of the Justices of the Kings Peace of the County where any such Hunting shall be had, of any person to be suspect thereof, that then it shall be lawful to any of the said Justices of Peace or Counsel, to whom any such Information shall be made, to make a Warrant to the Sheriff of such County, or to any Constable, Bailiff or other Officer within the same County, to take and arrest the same person or persons of whom any such Information shall be had, and to have him or them before the Maker of any such Warrant, or any other the Kings said Counsel, or Justice of his place of the same County. 1 H. 7. Cap. 7. § 1. N. 3.
- Justices. And that the said Counsellor or Justice of Peace afore whom such person or persons shall be brought, by his Discretion have power to examin him or them, so brought afore the said Counsellor or Justice, of the said Hunting, and of the said Defaults in that behalf. § 1. N. 4.
- Amercement. And if he then confess truth, and all that he shall be examined of and knoweth in that behalf, that then the said Offences of Huntings by him done, be against the King our Sovereign Lord, but Trespasable Finable, by reason of the same Confession at the next general Sessions of the Peace, to be holden in the same County, by the Kings Justices of the same Sessions there to be Sessed. § 1. N. 6.
- Enquest. And over that, ( viz. besides the Star Chambers Jurisdickions ) it is Ordained &c. that the Justices of Peace of every Shire of this Realm for the time being, may take by their Discretion an Enquest, wherof every man shall have Lands and Tenements to the yearly value of forty shillings at the least, to enquire of the Concealments of other Enquests taken afore them, and afore other, of such matters and Offences, as are to be enquired and presented before Justices of Peace, wherof Complaint shall be made by Bill or Bills, as well within Franchis as without. 3 H. 7. C. 1. § 1. N. 4.
- Amercement. And if any such Concealment be found of any Enquest as is afore rehearsed, had or made within the year after the said Concealment, every person of the same Enquest to be Amerced for the same Concealments, by Discretion of the same Justices of the Peace, the said Amercements to be Sessed in plain Sessions. § 1. N. 5.

And



- § 1. N. 21. And also Justices of Peace have Power to Enquire of such Escapes, *Escape.*  
(viz. of Murderers in the Day) and that to certifie before the King in his Bench.
- § 1. N. 25. And also it is Ordained by the same Authority, that every Justice of Peace, Peace within this Realm that shall take any Recognizance for the keeping of the Peace, that the same Justice do certifie, send or bring the same Recognizance, at the next Sessions of the Peace where he is or hath been Justice, that the party so bound may be called.
- § 1. N. 27. And if the party make Default, the same Default then there to be recorded, and the same Recognizance with the Record of the same Default, be sent and certified into the Chancery, or afore the King in his Bench, or into the Kings Exchequer. *Justices.*
- Cap. 3. § 1. N. 3. Wherefore the King, &c. hath ordained. &c. that the Justices of Peace *Bail.*  
in every Shire, City or Town, or two of them at the least, whereof one to be of the Quorum, have Authority and Power to Let any such Prisoners or persons mainpernable by the Law, that have been Imprisoned within their several Counties, City or Town, to Bail or Mainprize unto their next general Sessions, or unto the next Goal-Delivery of the same Goals in every Shire, City or Town, as well within Franchises as without, where any Goals be, or hereafter shall be, 1 & 2 Ph. & Mary 13. § 1. N. 2.
- § 1. N. 4. And that the said Justices of the Peace or one of them, so taking any such Bail or Mainprize, do certifie the same at the next general Sessions of the Peace, or the next Goal-Delivery of any such Goal, within every such County, City or Town, next following after any such Bail or Mainprize so taken, upon pain to forfeit unto the King for every Default thereupon recorded, 10 l. *Certificate.*
- § 1. N. 7. And that the foresaid Act, (viz. 1 R. 3. Cap. 3. § 1. N. 2.) giving *Joynder.*  
Authority and Power in the Premises to any Justice of the Peace by himself, be in that behalf utterly Void and of none Effect, by Authority of this present Parliament.
- 4 H. 7. C. 12. Item, The King our Sovereign Lord considereth, that by the negligence, *Justices.*  
misdemeaning, favour, and other Inordinate Causes of Justices of Peace in every Shire of this his Realm. the Laws and Ordinances made for the politick weal, peace and good rule of the same, and for the profit, surety, and restful living of his Subjects of the same, be not duly Executed, according to the tenor and effect of that they were made and ordained for.
- § 1. N. 2. Wherefore his Subjects been greivously hurt, and out of surety of *Prerog.*  
their Bodies and Goods, to his great displeasure; for to him is nothing more joyous, than to know his Subjects to live peaceably under his Laws, and to encrease in Wealth and Prosperity.
- § 1. N. 3. And to avoid such Enormities and Injuries, so that his said Subjects Peace, may live restfully under his Peace and Laws to their Encrease.
- § 1. N. 4. He will that it be Ordained and Enacted by Authority of this said *Days.*  
Parliament, that every Justice of Peace within every Shire of this Realm within the Shire where he is Justice of Peace, do cause openly and solemnly to be proclaimed yearly, four times a year in four principal Sessions, the tenor of this Proclamation to this Bill annexed.
- § 1. N. 5. And that every Justice of Peace being present at any of the said *Justices.*  
Sessions, if they cause not the said Proclamations for to be made in form aforesaid, shall forfeit unto our Sovereign Lord at every time twenty shillings.
- § 2. N. 1. Henricus Dei Gratia, &c. The King our Sovereign Lord considereth, *Execution.*  
how daily within this Realm his Coin is Traiterously Counterfeited, Murders, Robberies, felonies been greivously committed and done, and also unlawful Receivers, Idleness, unlawful Plays, Extortions, Misdemeanings of Sheriffs, Flecheators, and many other Enormities and unlawful Demeanings, daily grown more and more within this Realm, to the great Displeasure of God, Hurt and Impoverishing of his Subjects, and to the Subversion of the Policy and good Governance of this his Realm; for by these sad Enormities and Mischances, his Peace is broken, his Subjects troubled, inquieted and impoverished, the Husbandry of this Land decayed, whereby the Church of England is upholden, the

- the Service of God continued, every man thereby hath his sustenance, every Inheritor his rent for his Land.
- Proccs.** For repressing and avoyding of the said mischeifs sufficient Lawes and Ordinances been made by Authority of many and divers Parliaments holden within this Realm, to the great cost of the King, his Lords, and Commons of the same, and lacketh nothing, but that the said Lawes be not put in due execution which Lawes ought to be put in due execution by the Justices of Peace of every Shire of this Realm, to whom his Grace hath put and given full authority so to do sith the beginning of his reign, § 2. N. 2.
- Justices.** And now it is come to his knowledg, that his Subjects be little eased of the said mischeifs by the said Justices, but by many of them rather hurt than helped, and if his Subjects complain to these Justices of Peace, of any wrongs done to them, they have thereby no remedy, and the said mischeifs do increase and be not subdued. § 2. N. 3.
- Peace.** And his Grace considereth, that a great part of his wealth and prosperity of his Land standeth in that, that his Subjects may live in surety under his Peace in their bodies and goods, and that the Husbandry of this Land may increase and be upholden, which must be had by due execution of these Lawes and Ordinances, chargeth and commandeth the Justices of the Peace of this his Shire, to endeavour them to do and execute the tenor of their Commission, and the said Lawes and Ordinances ordained for the subduing of the premises, as they will stand in love and favour of his Grace, and in avoyding of the pains that are ordained if they do the contrary. § 2. N. 4.
- Proccs.** And moreover he chargeth and commandeth, that every man what degree or condition that he be of, that let them in word or deed to execute their said authority in any manner and form abovesaid, that they shall shew it to his Grace, and if they do it not, and it come to his knowledg by other than by them, they shall not be in his favour, but taken as men out of credence, and be put out of Commission for ever. § 2. N. 5.
- Execution.** And over this he chargeth and commandeth all manner of men as well the poor as the rich (which be to him all one in due ministration of Justice) that is hurt or grieved in any thing, that the said Justice of Peace may hear determine or execute in any wise, that he so grieved make his complaint to the Justice of Peace, that next dwelleth unto him, or to any of his fellows, and desire a remedy. § 2. N. 6.
- Justices.** And if then he have no remedy, if it be nigh such time as his Justices of Assizes come into that Shire, that then he so grieved shew his complaint to the same Justices. § 2. N. 7.
- Chancery.** And if then he have no remedy, or if the complaint be made long afore the coming of the Justices of Assize, then he so grieved come to the Kings Highness, or to his Chancellor for the time being and shew his grief. § 2. N. 8.
- Proccs.** And his said Highness then shall send for the said Justice to know the cause why his said Subjects be not eased, and his Lawes executed, whereupon if he find any of them in default of executing of his Lawes in the premises according to his Highness commandment he shall do him so offending to be put out of the Commission, and further to be punished according to his merits. § 2. N. 9.
- Justices.** And over that his said Highness shall not let for any favour, affection, cost, charge, nor other cause, but that he shall see his Lawes to have plain and true execution, and his Subjects to live in surety of their lands, bodys, and goods, according to his said Lawes, and the said mischeifs to be avoyded, that his Subjects may increase in wealth and prosperity to the pleasure of God. § 2. N. 10.
- Measures.** And that the Justices of Peace of every Shire of England have full authority and power to inquire, hear, or determine the said defaults (viz. in Weights and Measures, &c.) 7 H. 7. cap. 4. § 1. N. 12.
- Games.** And that the Householder, where Dicing, Carding, Tennis-playing, Bowls, Clash, or any other unlawful games afore rehearsed shall be used otherwise than is afore rehearsed, (viz. in Christmas in the presence of the Master) and that lawfully be presented before the Justices of Peace, the Mayor

Mayor, Sheriff in his Turn, or Steward in his Act, or by examination had afore the said Justices of Peace, that Process be made upon the same, as upon Indictment of Trespass against the Kings Peace, 19 H. 7. cap. 12. § 2. N. 4.

§ 1. N. 15. And that the said Wisdore be admitted to no fine under the Sum of Amercement. 6 s. 8 d. 19 H. 7. cap. 12. § 2. N. 4.

§ 1. N. 16. And that it be lawful to two of the Justices of the Peace, whereof one shall be of the Quorum, within their authority, to reject and put away common Ale selling in Towns and Places where they shall think convenient, 19 H. 7. cap. 12. § 2. N. 5.

§ 1. N. 17. And to take surety of Keepers of Ale-houses, of their good behaviour Ale. by the discretion of the said Justices, and in the same to be advised and agreed at the time of their Sessions, 19 H. 7. Cap. 12. § 2. N. 6.

Cap. 3. The King our Sovereign Lord calling to his remembrance, that many good Statutes and Ordinances be made for the punishment of Riots, unlawful Assemblies, Retainers, and giving and receiving of Liberities, Signs and Tokens unlawfully, Extortions, Maintenance, Intimidation, excessive taking of Wages contrary to the Statute of Laborers and Artificers (viz. 23 Ed. 3. cap. 1.) the use of unlawful Games, inordinate Apparel, and many other great inconveniencies and offences, which have been committed and done daily, contrary to the good Statutes for many and divers behoofful considerations, severally made and ordained, to the high displeasure of Almighty God, and the great let of the Common Law and Weal of this Land, notwithstanding generally by the Justices of the Peace in every Shire within this Realm in the open Sessions is given in charge to inquire of many Offences committed contrary to divers of the said Statutes, and divers inquests thereupon there straitly sworn and charged before the said Justices to inquire of the premises, and therein to present the Truth, which is letted to be found by embazery, maintenance, corruption and favour, by occasion whereof the said Statutes be not, nor cannot be put in due execution, 1 H. 8. Cap. 6.

§ 1. N. 2. For reformation whereof, for so much that before this time the said Offences, Extortions, Contempts, and other the premises might not, nor as yet may be conveniently punished by the due order of the Law, except it were first found and presented by the verdict of twelve Men, thereto duly sworn, which for the causes afore rehearsed will not find, nor yet present the truth, 3 H. 7. Cap. 1. § 1. N. 2.

§ 1. N. 3. Wherefore be it by the advice and assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same Enacted, Ordained, and Stablished, that from henceforth, as well the Justices of the Assize in the open Sessions to be holden afore them, as the Justices of Peace in every County of the said Realm, upon Information for the King, before them to be made, have full power and authority by their discretion to hear and determine all Offences and Contempts committed and done by any person or persons, against the form, ordinance, or effect of any Statute made and not repealed, 1 H. 8. Cap. 6.

§ 1. N. 4. And that the said Justices upon the said Information, shall have full power and authority to award and make like Process against the said Offenders and every of them, as they should or might make against such person or persons as have been presented and indicted before them of Trespass done contrary to the Kings Peace, and the said Offender and Offenders duly to punish according to the purport, form and effect of the said Statutes.

§ 1. N. 5. Also be it Enacted by the said authority, that the person which shall give the said Information for the King, shall by the discretion of the said Justices content and pay to the said person or persons, against whom the said Information shall be so given, his reasonable costs and damages in that behalf sustained, if that it be tried or found against him, that so giveth or maketh any such Information, 11 H. 7. Cap. 7. § 1. N. 18.

§ 1. N. 6. Provided alway that any such Information extend not to Treason, Murder, or Felony, nor to any other Offence, wherefore any person shall lose



lose Life or Member nevertheless, by nor upon the same Information, any Lands, Tenements, Goods and Chattels, to the Party making the same Information.

Lieu. Provided also that the said Information shall not extend to any Person dwelling in another Shire than there, as the said Information shall be given or made. § 1. N. 7.

Franchise. Saving to every Person and Persons, Cities and Towns, all their Liberties and Franchises to them and every of them of right belonging and appertaining. § 1. N. 8.

Measures. And two Justices of Peace, whereof one shall be of the Quorum have authority as well by examination as by inquiry, to hear and determine the faults of the said Wapors, Bailiffs, and other Head Officers in that behalf (viz. Of Weights and Measures) And also of all Buyers and Sellers doing contrary to this present Act and Ordinance, and to set Fine and Amercement upon the Offenders by their discretion, 34 Ed. 3. Cap. 5. & 7 H. 7. Cap. 4. § 1. N. 12. Ca. 4. § 1. N. 13.

Process. Be it also ordained, &c. That the Justices of Peace abovesaid have authority to make like Process against all Persons found, as is abovesaid defective, and for such fines and Amercements as upon them shall be assessed, as if they were Indicted afore them for breaking of the Kings Peace. § 1. N. 16.

Riot. Wherby the Commons of this our Land in this present Parliament assembled, that where for the great rest and tranquility of your said Commons, true Liege-men and Subjects inhabited in this your Realm, divers and many good Statutes, Acts, and Ordinances have been made in times past, ordained and stablished to subdue and punish Riots, for the unlawful raising and leading of People, Riots, Routs, and other unlawful assemblies, whereby many evil Deds, Jeopardies, Perils, Fear, and Dread to your Subjects have grown, and thereupon great Penalties set upon the said Rioters and Offenders, as in divers remembered Statutes, Acts, and Ordinances, in the days of your noble Progenitors, at several times made, ordained, and provided, more at large doth and may appear. Cap. 7.

Franchise. Yet the same Acts notwithstanding, some Persons, not dreading God, their Sovereign Lord, nor the punishment of the Law, made and had in this behalf, oft times as well by colour of such Offices as they have obtained, as Receivers, Stewards, and Bailiffs of Lordships, and other Officers, as by peny Retainers, by Oath, Promise, Covenant, and otherwise, and claiming also duty of their Tenants and Servants, where none such duty is to go with them, when such Assembly, Riot, or Rout shall be. § 1. N. 2.

Riot. And after the same divers of the said Servants and Persons oft times retreat and absent themselves by the agreement, covin, and counsel of the said Masters, and of the said principal Rioters, so that they may not be taken, nor brought to answer to the Law, as the Laws require. § 1. N. 3.

Indictment. And if any Indictments be had, it shall be made upon such Persons as so retreat and absent themselves, and nothing sounden against the said principal Rioters in deceit and fraud of the said good Statutes, Acts, and Ordinances thereof made to the great courage, and boldness, and comfort of the Evil Doers, most Danger, Jeopardy, and Peril of your said well disposed Subjects, and to the worst example, that thereby may ensue, if halst remedy therein be not provided. § 1. N. 4.

Riot. It may therefore please your Highness of your most loving disposition, that you bear and owe to the Common-weal of this your Land, and to the great Surety of your Subjects of the same, by the advice of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by authority of the same to Do, Ordain, Enact, and Establish, that whatsoever Person or Persons within the Realm, of what Estate, Degree, or Condition he be, that hereafter unlawfully raise Assemblies, or lead your People within this your Realm, without your Commandment or Authority of your Laws, and commit any Riot, that then if the Party grieved, or any other Person in the Kings behalf, complain to the Justices of

the Peace within the County where such Riot is done, or to any of them having authority to inquire of the same, where such Riot or unlawful Assembly shall be made by Bill containing the Riot, and the circumstance of the same, and of what Town, Shire, Mystery, or Condition every of the Persons against whom the same Complaint be made is dwelling, or else if the said Rioters be Indicted thereof, then, thereupon the said Justices, and every of them have authority and power in the next general Sessions of the Peace within the same County to be holden after the Complaint so to them made, or Indictment thereof, had afore the same Justices to do, make Proclamation, that the said Master or Masters, Principal or Principals, Leader or Leaders, that unlawfully cause the said People to gather or rise, that they appear Personallly at the next general Sessions of the Peace after the said Proclamation so made.

- § 1. N. 5. And every other Person or Persons, that were present and attendant upon him or them by his or their commandment, procuring, or assent, contained in the said Proclamation at the said Riot, Rout, and Assembly, and every of them personallly to appear at the said next Sessions of Peace, next after the said Proclamation to be holden within the said County. Accessory.
- § 1. N. 7. At which day if the said Master or Masters, Principal or Principals, Leader or Leaders, or any other of the foresaid Offenders appear, then he or they to be put to answer thereunto, if it seem to the said Justices reasonable, and to be put to sufficient Bail by Recognizance before the said Justices to appear personallly from Sessions to Sessions unto the time the Complaint be discussed. War.
- § 1. N. 8. And if he or they refuse so to do, then he or they be committed to ward, there to remain till they will. Imprisonment.
- § 1. N. 9. And if any of the Persons against whom such Complaint or Indictment is had or made, dwell in any other County, than in the same County, where such Riot, and Assembly is made, that then the Justices to or afore whom the same Complaint or Indictment is had or made do send a Transcript of the same Complaint or Indictments, to some Justices of the Peace in the County where such Person is dwelling, desiring him to cause Proclamation to be made in the next general Sessions of the Peace in that County to be holden, that the same Person or Persons appear at the next Sessions of the Peace in the Shire, where the said Riot is done next after the same Proclamation to be holden. Process.
- § 1. N. 10. And if the same Person or Persons dwelling in a foreign Shire appear, then like order to be had for he or them so appearing, as is afore specified, for and to them, that ben dwelling in the said Shire, wherby the said Riot is supposed to be done. Leiu.
- § 1. N. 11. And if the same Person or Persons, or any of them against whom such Proclamation is made in the County where the said Riot is supposed to be done, and they be dwelling at the time of the same Proclamation making, in the same County, make default and appear not at the said general Sessions to him or them limited in the large Proclamation, and eft soner after that make default, and appear not at the next general Sessions after that, so that like Proclamation be made, as is afore said, and if any of the said Rioters against whom Proclamation is made in a foreign Shire where they be dwelling, make default at the day and place in the said Proclamation to them limited, then he or they, in whether of the said Shires they dwell that so make default, to stand and be adjudged and convict upon the same defaults of the said Riot and unlawful Assembly, as if he or they were thereof convict by the due Order of the Law, without he or they can make such lawful Excuse, as the said Justices shall think reasonable by their discretion. Notice.
- § 1. N. 12. And thereupon such process to be awarded, as is accustomed upon Condemnations of Trespals in your Common Bench at the Suit of the Party. Process.
- § 1. N. 13. And that the said Justices of Peace have authority to hear and determine the rehearsed causes, as well upon Bill before them as by Indictments. Justices.

ments, and upon the same Bill or Indictments to proceed and determine the same by Inquest according to the course of the Common Laws, and the Party thereby and thereupon to stand convict, as perfectly as if they were thereupon convict by due process of the Law.

War. And if the said Master or Masters, Principal or Principals, Leader or Leaders, or any other afore rehearsed Offenders be convict upon the premises, then he or they be committed to prison, there to remain and abide without Bail or Mainprize by such time and space as shall be thought reasonable by the discretion of the said Justices, and then ere he or they depart out of their prison to pay their Fine, lessed after the discretion of the said Justices, his or their behaviour and Offences considered. § 1. N. 14.

Peace. And that it be enacted by the said Authority, that by the discretion of the said Justices, and as they see need, every of the said Master or Masters, Principal or Principals, Leader or Leaders, and other the said Offenders so convict be bound to the Kings peace from thence forth in such Sums of money as shall be considered by the said Justices, and the said Surety to stand by the discretion of the said Justices. § 1. N. 15.

Riot. And if it be so, that if the said Riot and unlawful Assembly be committed with the number of forty persons, or above, or with less number than forty, and that by discretion of the Justices it be thought heinous, that then, if the said Master or Masters, Principal or Principals, Leader or Leaders, that have appeared and so thereof be convict, that then they remain in Prison unto the time that they have found sufficient Surety to appear before the King and his Council at a certain day by the said Justices to be limited. § 1. N. 16.

Records. At the which day or afore, the Keeper of the Gaol Rolls of the said Records shall do to be sent under his Seal the said whole Record of the conviction to the Kingour Sovereign Lord and his Council, to the intent that his Highness and his Council may award such Imprisonment and Fines of the said Master or Masters, Principal or Principals, Leader or Leaders, as by his Highness and his said Council shall be thought convenient. § 1. N. 17.

Damages. And if the Party Complainant, as is aforesaid cannot prove the matter of his said Bill to be true, then he to pay reasonable costs and damages of the Partie vexed, as shall be thought reasonable by the discretion of the same Justices, and they to make against the same Complainant, not proving the matter of his said Bill to be true, such Process against him for the said Costs and damages as is afore limited against the said Rioters convict of the said Riot for the payment of their said Fines. § 1. N. 18.

Imprisonment. And if the said Complainant or Complainants have not sufficient whereof to relesse the party and parties so vexed and troubled in form aforesaid, that then he immediately be committed to the common Gaol by the said Justices, there to remain the space and time as shall be thought by the said Justices convenient and reasonable. § 1. N. 19.

Continuance. And that this Act indure but unto the next Parliament, 1 Mar. 1. St. 2. Cap. 12. and 19 H. 7. Cap. 13. § 1. N. 4. 1 Eliz. Cap. 16. § 1. N. 20.

Sheriffs. And over that the Justices of Peace in the same Counties, and every of them shall have Authority upon complaint made by the Party so unlawfully grieved (viz. by several Plaints in Sheriffs Courts in names of Persons unknown or never summon'd, &c.) to examine the said Sheriffs, Under-Sheriffs, or their Clerks and Plaintiffs. C. 15. § 1. N. 10.

Process. And if the said Justices of Peace or one of them find by their examination default in the said Sheriffs, Under-Sheriffs, or their Clerks in entering of the said Plaints deceitfully for his or their advantage, as is before rehearsed contrary to this present Act, that then the said Sheriffs, Under-Sheriffs, and their Clerks shall be convict and attain of the same offence without further inquiry, or examination. § 1. N. 11.

Justices. And the said Justices of Peace, that so shall take the Examination, shall certifye the same Examination within a quarter of a year into the Kings Exchequer, upon pain of 40 s. § 1. N. 13.

Sheriffs. And (viz. The Bailiffs of Hundreds for default in Summons, &c.) to be attain and convict thereof by the Examination of the Justices of Peace or any of them as before is rehearsed. § 1. N. 15.



- § 1. N. 17. And that the same Sheriffs, Under-Sheriffs, their Clerks and their Amercement. Deputies for the time being shall make no Estreats to levy the said Sheriffs Amercements, until such time that two Justices of Peace, whereof one shall be of the Quorum, have had the view and oversight of their Books.
- § 1. N. 18. And that the Estreats be indented betwixt the said Justices of Peace, Records. and the said Sheriffs and Under-Sheriffs, and sealed with their Seals, the one part to remain with the said Justices, and the other part with the said Sheriffs or Under-Sheriffs, to the intent they may understand, if any deceit be, or untrue demeaning in them in making of their Books.
- § 1. N. 19. And that these Persons which shall gather the same Amercements as Officer. Bailiffs or other Officers, be sworn by the said Justices, that they take no more mony than is forfeited, and contained in the Estreats sealed with the Seals of the said Justices of Peace, upon the same pain of forfeiture as before is rehearsed, (viz. 40 s.) thereof the same gatherers to be convicted by Examination of the same Justices of Peace, or one of them, as before is rehearsed.
- § 1. N. 20. Provided allway that the said Justices of Peace shall be appointed and Justices. named at the general Sessions after the feast of St. Michael the Archangel, by him that is Custos Rotulorum of the said Counties, or else by the eldest of the Quorum in his absence, to have the oversight and controulment of the said Sheriffs, Under-Sheriffs, and their Clerks, and other of the said Officers, and of the said Sheriffs Amercements.
- § 1. N. 21. And the said Justices of Peace, upon Suggestion or Information of Informant. the Party so grieved, shall make like Process as in action of Trespass, against the said Sheriffs, Under-Sheriffs, or their Clerks, and other the aforesaid Officers misdealing, as before is rehearsed, for to appear before them to answer to the said Suggestion or Information.
- C. 17. § 2. N. 4. And that the Justices of Peace have authority by this present Act to Fowl. hear and determine such matters (viz. Of taking Eggs, Hawks, Swans, &c.) as well by Inquisition as Information and proofs.
- § 2. N. 1. (Viz. None to take Hawks in their Warren, &c.) Upon pain of ten pounds, Forest. one half to the Party that will sue for the same by Action of Debt, by Examination before the Justices of the Peace, Information or otherwise, &c.
- 19 H. 7. Ch. 5. And if the said Mayor, Sheriffs, Bailiffs, Constables, or other chief Mony. Officer or Governour refuse to take any such Coyn (viz. Having the print of the Kings Coyn) in payment, as it is above rehearsed, that then he so refusing the said payment to be compelled by the Justice of Peace of the same County, where such payment shall be so refused, to accept and take the said payment, and he so refusing the same to be further punished for the said refusing by the discretion of the same Justice.
- C. 6. § 1. N. 15. And over this the Justices of Peace within every Shire at their general Sessions holden at Michaelmas, shall assign and appoint two certain Persons having experience therein (viz. in deceitful Pewter and Brass, &c.) to make search in the Premises in every part of that Shire, as well within the Franchise as without, saving in Cities and Boroughs where Searchers be appointed by the Heads and Governours of the same.
- C. 11. § 1. N. 9. And that the Justices of Peace in their Sessions shall have Authority Forest. to take before them any Person suspected of the Premises, (viz. Of Deer-hayes, Buckstails, or taking of Herons) and by their discretion to examine them in the premises.
- § 1. N. 11. And that these Justices, that so examine them shall have the tenth Justices. part of every such forfeiture for their Labour in that behalf.
- C. 12. § 2. N. 2. Furthermore be it enacted by the said Authority, that Justices of the Poor. Peace, or two of them at the least, within their Shires, and every Mayor, Sheriff, and Bailiff, within their Cities, Towns, and Boroughs, shall have full power and authority to make four times in the year, that is to say, every quarter once or oftener, as by their Discretion shall be thought necessary throughout all their Shire, a due and a diligent secret search, and if they or any of them find, by reason of the said Search any of the said

said mis-ruled Persons (viz. Vagabonds, &c.) the said misruled Persons so found to have like punishment and correction as is aforesaid, (viz. at discretion.)

**Riot.** Whereas in the Parliament holden at Westminster the Tuesday the morrow next after All Souls, 13th. year of the reign of King Henry the fourth (viz. 13. H. 4. Cap. 7.) Among other things it was Enacted, Ordained, and Established, that if any Riot, Assembly, or Rout of People against the Law, were made in any part of the Realm, that the Justices of the Peace, three or two of them at the least, and the Sheriff, or Under-Sheriff of the County where such Riot, Assembly, or Rout should be done after the same Statute, should come with the power of the Shire, if need should be, to arrest them, and them should arrest, 2 H. 5. Cap. 8. Cap. 13.

**Records.** And (viz. 13 H. 4. Cap. 7. § 1. N. 2.) the same Justices and Sheriff or Under-Sheriff should have power to record that, that they should find so done in their presence against the Law, 2 Hen. 5. Cap. 8. § 1. N. 2. § 1. N. 2.

**Proccs.** And (viz. 13 H. 4. Cap. 7. § 1. N. 3.) that by the Record of the same Justices, and Sheriff or Under-Sheriff, the same Trespassers and Misdoers should be convicted in manner and form as it is contained in the Statute (viz. 5 R. 2. Cap. 7. § 1. N. 3. 15 R. 2. § 1. N. 3.) Of Forcible Entries, with divers and many other Articles touching and concerning the Premises, as in the same Statute made the said thirteenth year (viz. 13. H. 4. Cap. 7.) more plainly at large it appeareth, 2 H. 5. Cap. 8. § 1. N. 2. § 1. N. 3.

**Riot.** Which Statute, (viz. 13 H. 4. Cap. 7.) is thought good and necessary, wherefore by the advice and assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same be it therefore ordained, established and enacted, that the said Act made in the said thirteenth year of King Henry the fourth (viz. 13 H. 4. Cap. 7.) concerning Riots, Assemblies, and Routs of people, and all and every Article and Articles comprised in the same, and also all other Statutes (viz. 2 H. 5. Cap. 8. &c.) before this time made concerning the punishment of Rioters, at the time of making this Act, being in force, from henceforth stand in their force, and be duly put in execution, after the tenors and purports of the same. § 1. N. 4.

**Enquest.** And for as much as in the said Statute made in the said thirteenth year (viz. 13 H. 4. Cap. 7.) It is not expressed of what sufficiency the Jurors impanelled should be, or what Issues they should lose, if they appear not, nor no mention thereon made of any punishment of the Maintainers and Embracers of the Jurors that so shall be Impanelled, should have for their misdemeanors if any be. § 1. N. 5.

**Ability.** It is therefore furthermore Enacted by the said Authority in this present Parliament, That if any Riot, Rout, or unlawful Assembly be committed and done at any time after the first day of May next coming within this Realm of England, that the Sheriff having a Precept directed to him, shall return one and twenty Persons dwelling within the Shire, where such Riot, Rout, or unlawful Assembly shall be so committed and done, whereof every of them shall have Lands and Tenements within the same Shire, to the yearly value of twenty shillings Charter land or freehold, or twenty six shillings and eight pence of Copyhold, of both over and above all charges, for to inquire of the said Riot, Rout, or unlawful Assembly. § 1. N. 6.

**Return.** And shall return upon every Person so by him impanelled in Issues, at the first day twenty shillings, and at the second day forty shillings, if they appear not, and be sworn to enquire of the premises at the first day. § 1. N. 7.

**Sheriff.** And if default be in the Sheriff or Under-Sheriff, for returning of other Persons, not being of the said sufficiency, or return not Issues in form aforesaid, that then the said Sheriff shall forfeit to our Sovereign Lord the King for either default therein twenty pound. § 1. N. 8.

**Riot.** And if the said Riot, Rout, or unlawful Assembly be not found by the said Jury, by reason of any Maintenance or Embracery of the said Jurors, then the same Justices and Sheriff, or Under-Sheriff, over and above all such Certificate, that they must and be bound to make according to the said Statute made the said thirteenth year (viz. 13 H. 4. Cap. 7. § 2. N. 1.) § 1. N. 9.

N. 1.) shall in the same Certificate, certifie the names of the Maintainers and Embracers in that behalf, if any be, with their misdemeaners that they know, upon pain of every of the said Justices, and Sheriff or Under Sheriff to forfeit 20 l. if the same Justices and Sheriff or Under Sheriff have no reasonable Excuse for not certifying the same.

§ 1. N. 10. Which Certificate so made, shall be of like force and effect in the Law, as if the matter contained in the same were duly found by the Verdict of twelve men. Certificate.

§ 1. N. 11. And every Person duly proved to be a Maintainer or Embracer of the same, shall forfeit to our said Sovereign Lord, 20 l. and as well the same Maintainers as the Embracers shall be committed to Ward, there to remain by the discretion of the Justices. Maintainers

### Statuta Hen. 8.

1 H. 8. cap. 6. **A** Repeal of a Statute made, 11 H. 7. Cap. 3. giving Authority to Justices of Assize, and Justices of Peace in their Sessions, to hear and determine all Offences and Contempts committed against any Statute in force, saving Treason, Murder or Felony. Oyer.

Cap. 7. § 2. And that the Justices of Assizes, and Justices of Peace, within the County where any such Default of the Coroners be, (viz. taking any thing for Enquiry of Body slain by Misadventure &c.) have Authority and Power to enquire thereof and determine the same, as well by Examination as by Presentment. Justices.

Cap. 8. § 7. Provided also that this Act, (viz. of Returning Offices and Inquisitions by Commission or Escheator &c.) extend not nor be prejudicial, to any Justices of the Peace, for any thing done concerning the Commission of the Peace. Inquest.

3 H. 8. C. 5. And that it be Ordained &c. that the Justices of Peace of every Shire where any such Offenders, (viz. that depart from Captain without Licence during War, &c.) be taken, have Power to inquire of the said Offences, (viz. Departure, Retainer and Payment of Souldiers) and the same hear and determine, as they do and may do of Felonies, Trespases and other Offences, expressed in the Kings Commission to them made, as though the said Offences were done in the same Shire. War.

C. 12. § 1. N. 4. Wherefore be it Enacted, &c. that all Pannells to be returned, which be not at the Suit of any Party, that shall be made and put in by every Sheriff and their Ministers, afore any Justice of Goal-Delivery or Justice of Peace, whereof one to be of the Quorum, in their open Sessions to inquire for the King, shall be reformed by putting to and taking out of the names of the Persons which so be Impanelled by every Sheriff and their Ministers, by Discretion of the same Justice before whom such Pannells shall be returned. Inquest.

4 H. 8. Cap. 1. Bulwarks, Bays, Walls and other Fortifications, shall be made by War. the Sea-side in Cornwall, by the Justices of Peace Assignment.

14 & 15 H. 8. And that the said two Justices of Peace and twelve other discreet Persons, (viz. of the Hundred, where oldway is in Close and new one laid out in Kent) by whose Oversight and Assent the said new way &c. by Virtue of this Act, shall be hereafter Assigned, limited and laid out, shall within thre Months next after the Assignment, limitation and laying out of the same, make Certificate into the Kings most Honourable Court of Chancery under their Seals, of the length and breadth of the same new Way or Street, and of other things adjoining or concerning the same, as by their Discretions shall be thought most expedient or requisite for the Common-wealth of that County to be certified. Ways.

C. 10. § 1. N. 3. And that the Justices of Peace within every Shire, at every Sessions of the Peace, &c. shall have full Authority and Power to inquire of such Offenders, (viz. that trace Hares in the Snow &c.) Forcst.

§ 1. N. 4. And after such Inquisitions found, the said Justices of Peace &c. for every Hare so killed, shall Sels upon every such Offender 6 s. 8 d. to be Forfeiture.



Riot.

And that the Justices of Peace in every Shire of this Realm, Fran-  
chife Citee, Borough, or four of them at the least, in whose one of them

Treason.

Bayl.

Justices.

**Certificate.**

Imprisonment.

### Notice.

**Imprisonment.**

**Alc.**

And that every Bar-Bremer and Ale-Bremer shall not take over  
and above, for every such Barrel, Kilderkin, or Firkin of Ale and  
Bar, but after such Prizes and Rates as shall be thought convenient  
and sufficient by discretions of the Justices of Peace within every Shire,  
where

where such Bar-Brewe and Ale-Brewe shall dwell, without any City, Borough or Town Corporate, where no head-Officers, as Mayors, Bailiffs, Sheriffs and other head-Officers, have no Authority or Rule, 8 Eliz.

9. § 5. N. 1.

Cap. 5. § 5. N. 2. And before he (viz. Commissioner of Sewers) shall take upon him the Execution of the said Commission, he shall take a Corporal Oath before the Lord Chancellor, or before such to whom the said Lord Chancellor shall direct the Kings Writ of Dedimus Potestatem to take the same, or before the Justices of the Peace in the Quarter Sessions holden in the Shire where such Commissions shall be directed, &c. Sewers.

Cap. 8. § 2. N. 2. And if it shall happen any person, &c. for prosecuting any Suit or Action upon this Statute, (viz. against Tinnors, that do not make sufficient Hatches and Tyes for Gravel, &c.) or by occasion of the same hereafter, to be imprisoned by any manner of person, &c. being Officers or Ministers of the Stampery, their Deputies or Substitutes, that then every of the Justices of Peace, within any of the Counties aforesaid, (viz. Devonshire or Cornwall) wherein the said Prisoner shall happen to be Committed to Prison, upon credible Information thereof, taking Surety by his discretion for Appearance of such Prisoner at the next general Sessions of the Peace, shall have Power, &c. as well to direct his Warrant to the Goalers, &c. as to any other Person, to whom the said Prisoner shall be committed unto, commanding him, &c. upon pain, &c. of 40 l. to deliver and put at large the said Prisoner, &c. 27 H. 8. Cap. 23. § 4. N. 1. Mettle.

§ 2. N. 6. And if it shall appear upon the Appearance of such Prisoner at the Quarter Sessions, by examining of the Justices of Peace there being, that he was imprisoned contrary to the form of this Statute, then he shall be forthwith dismissed and thereby discharged, and if he were lawfully imprisoned for any other just Cause, then to be remanded to Prison by the discretion of the said Justices, 27 H. 8. Cap. 23. § 4. N. 3. Justices.

Cap. 18. § 3. And be it Enacted, &c. that the Lord Chancellor of England, &c. at all times, &c. upon request to him to be made by the Mayor and Commonalty of the said City, (viz. of York) and Town, (viz. of Hull) or by any other Citizen and Burgers, of the said City and Town, &c. or other person by them under the common Seals of the said City and Town Authorized, shall have Power and Authority by his discretion, to make and direct like Commission, (viz. as for Surety) unto eight sad and discret persons, whereof four of them be of the Citizens and Inhabitants of the said City and Town, and the other four to be Justices of Peace, whereof two to be of the West-Riding, and the other two of the East-Riding of the County of York, not of five, nor retained with the said City or Town, that they, eight, seven, six, five or four of them, whereof two of them shall be of the said City and Town, and the other two Justices of Peace, the one of the East-Riding, the other of the West-Riding of the said County, by Virtue of the said Commission, shall and may, the said Owners assign and appoint, to pull up and redress (viz. in the River of Ouse and the water of Humber) or cause to be pulled up and redressed within thirty days after monition given to the said Owners by the said Commissioners, or by such of them taking the charge of the Execution of the said Commission, such and as much of the said fish-gart his and other Impediments to be made in the said Waters, (viz. of Ouse and Humber) to the Let, Disturbance, Damage or Peril of any Ships, Keels, Boats or any other Vessels, passing or repassing, to or from the said City of York to the said Town of Hull, as by them shall be thought meet and convenient Sewers.

24 H. 8. C. 10. § 2. N. 4. And if the Offence, (viz. not endeavouring to destroy Crows, Rooks and Choughs) be done contrary to this Statute by any person, &c. which shall dwell and have the Manurance of and in such Mannors, Meases, Lands, Tenements or Hereditaments, whereunto such Lets, Law-days, Rapes and Courts do not belong, or by reason whereof any such Courts be not holden, that then upon a Presentment thereof had before the Sheriffs, &c. or Justices of Peace in their Sessions, &c. the Justices of Peace or two of them at the least, if the Presentment be before them in their Sessions, shall assess and let the said Amercement after the quantity of the Offence, by their discretions, &c. Fowle.

- Justices. And further be it Enacted, &c. That as well the Justices of the Peace in their Sessions, &c. to be hereafter holden before them or any of them, shall give in Charge to the Tenants and Inhabitants, and all other appearing before any of them, that they shall duly inquire and put in execution the effect of the Premises in due time, (viz. yearly) so that this Act may be fully executed, and Choughs, Crows and Rooks, thereby destroyed in all parts of this Realm, &c. § 5. N. 1.
- Fowle. And if any such Owner or Farmer (viz. on whose Grounds Rooks, Choughs or Crows be killed) refuse to pay the said money accordingly as is aforesaid, (viz. two pence for twelve, a penny for six, a half-penny for three old Rooks, Choughs or Crows killed) then upon Complaint and Proof thereof made to any of the Justices of Peace or High-Constable, the said Justice of Peace or High-Constable shall cause the said money to be levied by distress of the Goods and Cattle of every such Farmer or Owner refusing to pay the same, according to the Tenor and Effect of this Act. § 7. N. 2.
- Coron. And that Justices of Peace shall have Power and Authority within the limits of their Commissions and Jurisdiction, to hear and determine the said Offence, (viz. of Buggery with Mankind or Beast) as they do use to do in Cases of other felonies. 25 H. 8. C. 6. § 1. N. 5.
- Fowle. And be it Enacted, &c. that all Justices of the Peace within the limits of their Commissions, shall have Power and Authority to inquire, hear and determine the Offences aforesaid, (viz. taking Wild-fowle with Nets between the last of May and the last of August, or their Eggs, &c.) like as they commonly use to do in Cases of Trespasses. C. 11. § 3. N. 1.
- Cattel. And it is further Enacted, that the Justices of Peace of every Shire shall have Power and Authority to inquire of the Offenders of this Act, (viz. keeping above two thousand Sheep) as well by the Oaths of twelve men as by Information of any of the Kings Subjects, and to make such like Process upon every Presentment or Information concerning this Act, as they use commonly to do upon Presentments before them of Trespasses. C. 13. § 5. N. 1.
- Bayl. Or else in their (viz. the Ordinary's) default if they refuse, &c. (viz. to Bail an Heretick) then by discretion of two Justices of Peace of that Shire, where such persons so accused or presented shall inhabit, by four sufficient Sureties to be bounden to the Kings use by Obligation or Recognizance, to appear before the Ordinaries, at such days, &c. as shall be limited in the said Bonds, &c. C. 14. § 3. N. 2.
- Sewers. And that the Kings Justices of Peace within every of the said Counties of Gloucester and Somerset, at their Quarter Sessions, shall have full Power and Authority to call before them, all such persons which hereafter shall keep any of the said Passages, or any other Ferry or Passage over the said Water (viz. the Severn) into Wales, or the said Forest, (viz. of Dean) or out of Wales, or the said Forest into England, and to bind them with sufficient Sureties with them in Recognizance, in such sums of money as it shall seem to the discretion of the said Justices of Peace, that they and every of them being Passengers, and Keepers of Ferries and Passages as is aforesaid, from henceforth shall not after the said times before limited and appointed, (viz. between Sun setting and Sun-rising) convey or carry, or cause to be conveyed or carried, any manner of person or persons, or any kind of Cattel, but such persons as they do know and will answer for, and know where their Abidings, Dwellings and Habitations be, and upon request made to them or any of them as is aforesaid, shall from time to time disclose as well the same person or persons, as the Goods and Cattle so passing the said Passages, upon fresh suit made or hereafter to be made, upon any felony, Murder or Robbery, committed and done in the Borders of the Counties aforesaid, or in any other place within this Realm or South Wales. 26 H. 8. § 2. N. 1.
- Behavior. Be it therefore Enacted, &c. that every such person and persons within such Orders of Sub-Deacon, or above, being convict of any petty Treason, or of any Murder, of Malice prepensed, or of any the said felonies above rehearsed, (viz. 23 H. 8. 1. § 4. N. 2.) or of any accessory to petty Treason, &c. before any Lord Marcher, Steward, Lieutenant, Deputy, or other Justice or Officer within Wales, or within any other place, City, Town, 26 H. 8. C. 12. § 4. N. 1.



Town, Honour, Lordship or Mannor within the Kings Dominion, where no Justices of the Peace and of the Quorum be, and thereupon the same Convict admitted unto his Clergy, that the same person or persons so being within such holy Orders and Convict, &c. and delivered unto the Ordinary as Clerk Convict for the same, shall or may find two Sureties by Recognizance for his good abearing before two of the Kings Justices of Peace, whereof one to be of the Quorum, in the Shire where the said Convict is or shall be kept in the Ordinaries Prison, if the same Prison be within the Shire-ground where Justices of the Peace, and of the Quorum be: or else before two of the Kings Justices of Peace, whereof one to be of the Quorum in the next Shire adjoining unto the same Prison.

27 H. 8. C. 5.  
§ 1. N. 2.

For redress and amputation wherof (viz. Of the Increase of Robberies, &c.) and to the intent, that one Order of ministring his Lawes should be had, &c. as in other places of this Realm of England, &c. It is Ordained, &c. That the Lord Chancellor of England, or the Lord Keeper of the Great Seal, for the time being, from time to time, and all times, shall have full power and authority by his discretion to nominate and appoint Justices of the Peace, Justices of the Quorum, and Justices of Goal delivery, in the said Counties of Chester, Flint, Anglesey, Caernarvan, Pembroke, and Glamorgan, by Commission under the Kings Great Seal, which shall have full power and authority, to inquire, hear, and determin all manner of thing and things inquirable, presentable, or determinable before Justices of Peace, Justices of Quorum, and Justices of Goal delivery, in other Shires of the Realm of England, by force or vertue of any Statute or Statutes made or to be made, or by the course of the Common Lawes of this Realm.

Coron.

C. 16. § 1. N. 2.

Or else (viz. Bargain and Sale to be inrolled) within the same County or Counties, where the same Mannors, Lands, or Tenements so bargained and sold lie or be, before the Custos Rotulorum, and two Justices of the Peace, and the Clerk of the Peace of the same County or Counties, or two of them, at the least, wherof the Clerk of the Peace to be one.

Inrolment.

C. 20. § 1. N. 5.

And in case the Ordinary of the Diocels, or his Commissary, or the Archdeacon, or his Official, or any other competent Judge aforesaid (viz. in Suit for Subtraction of Tythes) for any contempt, contumacy, or disobedience, or other misdemeanour of the party defendant, make information and request to any of the Kings most honorable Council, or to the Justices of the Peace of the Shire, where such Offender dwelleth, to assist and aid the same Ordinary, Commissary, Archdeacon, Official or Judge, to order or reform any such Person in any Cause before rehearsed, that then he of the Kings said honorable Council, or such two Justices of the Peace, whereof one to be of the Quorum, to whom such Information or request shall be made, shall have full power and authority by vertue of this Act to attach or cause to be attached the Person, or Persons against whom the Information or request shall be made, 32 H. 8. cap. 7. § 4. N. 1.

Tyths.

§ 1. N. 6.

And to commit the same Person or Persons to ward, there to remain without Bail or Mainprise, till that he or they shall have found sufficient Surety to be bound by Recognizance or otherwise before the Kings said Counsellor or Justice of Peace, or any other like Counsellor or Justice of Peace to the use of our said Sovereign Lord the King to give due obedience to the Process, Proceedings, Decrees, and Sentences of the Ecclesiastical Court of this Realm, wherein such Suit or matter for the Premises shall depend or be.

Imprisonment.

§ 1. N. 7.

And that every of the Kings said Counsellors, or two Justices of the Peace, whereof the one to be of the Quorum, as is aforesaid, shall have full power and authority by vertue of this Act, to take, receive, and record Recognizances and Obligations in any of the Causes above-written.

Justices.

C. 24. § 2. N. 1.

And be it also Enacted, &c. That no Person or Persons of what estate, degree, or condition soever they be, &c. shall have any power or authority to make any &c. Justices of Peace, &c. Lambert. 25.

Deputy.

§ 2. N. 2.

But that all such Officers and Ministers shall be made by Letters Patents under the Kings Great Seal, in the name and by the authority of the Kings Highness, and his Heirs, Kings of this Realm in all Shires Counties,

Patents.

ties, Counties Palatine, and other places of this Realm, Wales, and the Marches of the same, or in any other of his Dominions at their pleasure and wills, in such manner and form as, &c. Justices of the Peace, &c. commonly made in every Shire of this Realm, any Grants, Usages, Prescription, Allowance, Act or Acts of Parliament, or any other thing or things to the contrary thereof notwithstanding.

**Indictment.** And that in every Wit and Indictment, that sh<sup>al</sup> be made in any such County Palatine or Liberty, &c. whereby it shall be supposed any thing to be done against the Kings Peace, shall be made, and supposed to be done only against the Kings Peace, his Heirs and Successors, and not against the Peace of any other Person or Persons whatsoever they be, any Act of Parliament, Grant, Custome, Usage, or Allowance in Epre before this time had, granted, or used to the contrary notwithstanding.

§ 4. N. 1.

**Franchise.** Provided always, that, &c. Justices of Peace to be made and assigned by the Kings Highness within the County Palatine of Lancaster, shall be made and ordained by Commission under the Kings usual Seal of Lancaster, in manner and form as hath been accustomed, any thing in this Act to the contrary thereof notwithstanding.

§ 5. N. 1.

**Corporation.** Provided also that all Cities, Boroughs, and Towns Corporate within this Realm, which have liberty, power and authority to have Justices of Peace, &c. shall still have and enjoy their liberties and authorities in that behalf, in such like manner as they have been accustomed without any alteration by occasion of this Act, any thing in this Act, or in any Article therein contained to the contrary thereof notwithstanding.

§ 6. N. 1.

**Justices.** And it is Enacted, &c. That all such Justices to be made, as is afoze rehearsed in this Act, shall have authority and power to keep and hold their Sessions of Peace, &c. from time to time, only within the same Liberties and franchises, and in such places, and in none other places, by reason and authority of that Commission, and to do and execute all other things within the same, in as ample and large manner, as any other Justices of Peace, &c. in any Shire within this Realm may do, and have authority to do, any Act, Grant, Use, Custome, and Allowance heretofore had, made, or used, or any Article in this present Act made to the contrary notwithstanding.

§ 16. N. 1.

**Franchise.** Provided always, That all and singular Justices of the Peace, &c. hereafter to be made, named, and appointed by the Kings Highness, his Heirs and Successors within any Liberty, where any such Justice of Peace, &c. have been made by any person or persons by virtue or authority of any Letters Patents of the Gift or Grant of our Sovereign Lord the King, or his most noble Progenitors, Kings of this Realm, or otherwise shall sit and keep their Sessions, &c. only in such place and places, as the Justices of the said Liberties lately have commonly used within the said Liberties.

§ 17. N. 1.

**Corporation** And that no Person or Persons within the said Liberties, or any of them, shall be hereafter in no wise compelled by authority of this Act to appear out of the said Liberties before any other Justices, &c. of the Peace, then before such Justices as shall be named and assigned, to sit and be by the Kings Highness, his Heirs and Successors within the said Liberties in form aforesaid.

§ 17. N. 2.

**Cinque Ports.** Provided always, and be it Enacted, that Thomas now Bishop of Ely and his Successors, Bishops of Ely, and their temporal Steward of the Isle of Ely, for the time being, and every of them, shall from henceforth be Justices of Peace within the said Isle and shall use and exercise all manner of things within the same Isle, that appertain or belong to any Justice of Peace within any County of this Realm of England, to do, exercise, and use, by virtue and authority, that they be Justices of Peace in as ample and large manner, as any other Justices of Peace, in any County within this Realm have or might do, exercise, or use, any thing or things in this Act contained to the contrary notwithstanding.

§ 20. N. 1.

**Ecclesi. Persons.** Provided always, and be it Enacted, that such as now Bishop of Durham and his Successors, Bishops of Durham, and their temporal Chancellor of the County Palatine of Durham, for the time being, and every of them shall from henceforth be Justices of the Peace within the said

§ 21. N. 1.

County Palatine of Durham, and shall exercise and use all manner of things within the same County Palatine, that appertaineth or belongeth to any Justice of Peace within any County of this Realm of England, to do, exercise, and use, by virtue and authority, that they be Justices of Peace, in as ample and large manner, as any other Justices of Peace in any County within this Realm have, or might do, exercise, or use, any thing or things in this Act contained to the contrary notwithstanding.

§ 22. N. 1. Provided alwayes, and be it Enacted, That Edward now Arch-Bishop of York, and his Successors, Arch-Bishops of York, and their temporal Justices.

Chancelloz of the Shire and Liberty of Hexam, otherwise called Hextoldsham, for the time being, and every of them, shall from henceforth be Justices of Peace within the said Shire and Liberty of Hexam, &c. and shall exercise and use all manner of things within the said Shire and Liberty, that appertaineth or belongeth to any Justice of Peace within any County of this Realm of England, to do, exercise, and use, by virtue and authority, that they be Justices of Peace, in as large and ample manner as any other Justice of Peace in any County within this Realm have or might do, exercise, or use, any thing or things in this Act contained to the contrary notwithstanding.

Cap. 28. (27.) And over that it is Enacted, That all Justices of Peace in every Husbandry.  
§ 11. N. 1. Shire where every such offence ( viz. Of not using Husbandry on dissolved

Monastery, &c. ) shall be committed and done, contrary to the true meaning and intent of this present Act, shall in every quarter and general Sessions within the limit of their Commission, inquire of the Premises, and shall have full power and authority to hear and determine the same.

28 H. 8. C. 14. And it is also Enacted, That the Justices of Peace in every Shire of Wine.  
§ 4. N. 1. this Realm, and all Mayors, &c. and every of them, within the limits

of their Commissions and authorities, as well within franchises as without, shall have power and authority to examine, hear, inquire, and determine the defaults of such, as shall attempt to sell any Wines in gross contrary to this Act, and to punish the Offenders by Imprisonment or otherwise by their discretions.

31 H. 8. Ca. 8. Provided also, That if any Proclamation or Proclamations hereafter Prerog.  
§ 9. N. 1. shall be directed by virtue of this Act ( viz. For any thing not concerning

Inheritance, &c. ) to the Justices of Peace of any Shire or County, that then within fourteen dayes after the receipt thereof, the same Justices shall and may by their discretions divide themselves ( viz. As on Act of Parliament ) in sundry parts and places within the limits of their Commission, for the due and speedy execution of the contents of the same Proclamation or Proclamations.

C. 14. § 17. N. 3. And also, That Justices of Peace in their Sessions, and every Steward, Under-Steward, and Deputy of Steward of any Act or Law-day, Religion.  
in their Act, or Law day shall have like power and authority by virtue of this Act to inquire by the Oaths of twelve lawful men, of all and singular the Heresies, Contempts, and other Offences ( viz. Against the six Articles, &c. ) done, perpetrated or committed within the limits of their Commissions and Authorities, 1 Ed. 6 Cap. 12 § 4. N. 1.

32 H. 8. Cap. 7. And further be it Enacted, &c. That if any Person or Persons after such Tythes.  
§ 4. N. 1. Sentence definitive given against them ( viz. In suit by Ecclesiastical or Lay-

man seized of Parlonage, &c. For tythes. ) obstinately and wilfully refuse for to pay their Tythes, or such Sums of Money so adjudged ( viz. By the Ordinary ) wherein they be condemned for the same, that then two Justices of the Peace of the same Shire, whereof one to be of the Quorum, shall have authority by this Act, upon Information, Certificate, or Complaint to them made by writing by the said Ecclesiastical Judge, that gave the same Sentence, to cause the same Party so refusing to be attached and committed to the next Goal, and there to remain without Bail or Mainprize, till he or they shall have found sufficient Sureties to be bound by Recognisance, or otherwise before the same Justices, to the use of our Sovereign Lord the King, to perform the said definitive Sentence and Judgment, 27 H. 8. Cap. 20. § 1. N. 5.

C. 13. § 2. N. 1. And it is further Enacted, &c. That the Justices of Peace in every Cattle.  
Shire, Riding, and other Place in their Quarter Sessions to be kept and holden



holden by virtue of the Kings Commission of the Peace to them directed, and all Stewards of Wets, &c. shall have authority by this Act to inquire of all defaults, Contempts, Omissions, and Offences contrary to the effects above written, &c. (viz. Of putting in Horses not meature or infected into Forest, Common, &c.)

Common.

Which Justices of Peace in their Quarter Sessions of the Peace shall have power and authority by this Act to hear and determine every such Presentment before themselves found, or in any of the said Wets or Lawdays to be presented and certified, &c. as well by Examination as otherwise.

§ 8. N. 3.

Franchise.

In consideration (viz. of the travelling too often of the Gentry, &c.) be it Enacted, &c. That from henceforth the Law and Administration of Justice, and all other things in the said County, (viz. of Cheshire) in times past used to be had at the said Shire days, shall be holden, had, made, done, and executed by the Justices of the said County for the time being, at two times in the year only, that is to wit at the Sessions next after the feast of St. Michael the Archangel, and at the Sessions next after Easter yearly for ever, during so many days of every of the said time or times, as need shall require, in like manner and form as it is now used in the County Palatine of Lancaster.

C. 43. § 1. N. 8.

Parliament.

Henry the Eighth by the grace of God King of England, France, and Ireland, Defender of the Faith, and of the Church of England, and also of Ireland, in Earth Supreme Head, to the honour of Almighty God, and for the concord, quiet, and wealth of this his Realm and Subjects of the same, held his most high Court of Parliament, begun at Westminster the sixteenth day of January and continued until the first day of April, the thre and thirtieth year of his most noble and virtuous Reign, wherein were established these Acts following.

33 H. 8. pa. 332.

Collusion.

Forasmuch as many light and evil disposed Persons, not minding to get their livings by Truth, according to the Laws of this Realm, but compassing and devising daily how they may unlawfully obtain and get into their hands and possession, Goods, Cattel and Jewels of other Persons for the maintainance of their unthriftly living, and also knowing, that if they come to any of the same Goods, Cattels, and Jewels by stealth, that then they being thereof lawfully convicted, according to the Laws of the Realm, shall die therefore: have now of late falsely and deceitfully contrived, devised and imagined privy Tokens, and counterfeit Letters in other mens names, unto divers persons their special friends and acquaintances, for the obtaining of Money, Goods, Cattels and Jewels, of the same persons their friends and acquaintances. by colour whereof the said light and evil disposed Persons have deceitfully and unlawfully obtained and gotten great substance of Money, Goods, Cattels, and Jewels into their hands and Possessions, contrary to right and Conscience.

Cap. 1.

Coron.

For reformation whereof, be it ordained and Enacted by Authority of this present Parliament, that if any person or persons, of what estate or degree soever he or they be, at any time after the first day of April next coming, falsly and deceitfully obtain and get into his or their hands or possession, any Money, Goods, Cattel, Jewels or other things, of any other Person or Persons, by colour and means of any such false token or counterfeit Letter made in any other mans name, as is aforesaid, that then every such Person and Persons so offending, and being thereof lawfully convicted by Witnesses taken before the Lord Chancellor of England, for the time being, or by Examination of Witnesses, or Confession taken in the Star-Chamber at Westminster before the Kings most honourable Council, or before the Justices of Assize in their Circuits for the time being, or before the Justices of Peace within any part of the Kings Dominions in their general Sessions, or by Action in any of the Kings Courts of Record.

§ 2. N. 1.

Imprisonment.

Shall have and suffer such Correction and punishment by Imprisonment of his Body, sitting upon the Pillory, or otherwise, by any Corporal Pain (except pains of death) as shall be unto him or them limited, adjudged or appointed by the Person or Persons before whom he shall be so convicted of the said Offences or any of them.

§ 2. N. 2.

Process.

And be it further Enacted by the Authority aforesaid, that as well the Justices

§ 3. N. 1.

Justices of Assize for the time being, as also two Justices of the Peace in every County, whereof the one to be of the Quorum, shall have free Power and Authority, to call and convent by Process or otherwise, to the said Assizes or general Sessions, any person or persons being suspected of any of the Offences aforesaid, and to commit him or them to Ward, or let him or them to Bail till the next Assizes or general Sessions, there to be examined, and further to be ordered by their discretions, as is above said.

§ 4. N. 1. Provided always and be it further Enacted by the Authority aforesaid, Franchises, that Justices of Peace within every City, Borough, Town and Franchise within this Realm, or other the Kings Dominions, shall have like Jurisdiction, Power and Authority at their general Sessions, and otherwise to do and execute, all and every thing and things in all points, as other Justices of Assizes in their Circuits, or Justices of the Peace in the Counties, by Virtue of this Act be limited and appointed, to do and execute for the Punishment and Correction of like Offenders, as by this aforesaid Act is specified and declared.

§ 4. N. 2. Saving to the Party grieved by such deceit, such Remedy by way of Collusion. Action or otherwise, of and for the same Wrong, Goods, Cattle, Jewels or other things so obtained, as he might have had if this Act had never been had made, any thing in the same contained to the contrary, in anywise notwithstanding.

§ 5. N. 1. Provided alwayes, and be it further Enacted by the Authority aforesaid, France. that the Kings Highness Council of his Town of Calice, or three of them for the time being, shall have such and like Authority for the Examination, Bailment and Punishment of such Offender or Offenders, and for such Offences hereafter to be committed and done, within the Town and Marches of Calice, and County of Guines, as the aforesaid Justices of Assize or Justices of Peace have by force of this Act, within their Jurisdictions and Authorities.

C. 6. § 16. N. 2. And that the same Justices of Peace, (viz. before whom any is brought Games. for using Cross-bow, Hand-gun, Hagbut or Demyhake not measure, &c.) upon a due Examination and Proof thereof before him had or made by his discretion, shall have full Power and Authority, to send or commit the same Offender or Offenders, to the next Goal, there to remain till such time as the said Penalty or Forfeiture, (Viz. of 10 l.) shall be truly contented and paid by the same Offender.

§ 19. N. 1. And be it further Enacted, &c. that it shall be lawful to all Justices of Justices. Peace in their Sessions, &c. to inquire, hear and determine every such Offence, &c. committed and done contrary to the tenor of this present Act.

C. 6. § 10. N. 3. And that Justices of Assize, of Goal-delivery, Justices of Peace, Games. and Stewards of Franchises, Fairs and Livery-days, have Power to inquire of all the Premises (viz. of Archery) in their Sessions, Fairs and Livery-days, and hear and determine the same, and also by their discretion, examin all persons lacking and not having Bows, Shafts and Arrows according to the form aforesaid.

§ 14. N. 1. Be it further Enacted, &c. that it shall be lawful to all and every the Proc. ss. Justices of Peace in every Shire, Wapors, Sheriffs, Bailiffs and other head Officers, within every City, Town and Borough within this Realm, from time to time as well within liberties as without, as Need and Case shall require, to come, enter and resort, into all and every Houses, Places and Alleys where such Games (viz. Bowling, Coyling, Cloyth, Cayls, halt-Bowl, Tennis, Dicing, Table or Carding, or any unlawful new Game hereafter to be invented, &c.) shall be suspected to be holden, exercised, used or occupied contrary to the form of this Statute.

§ 14. N. 2. And as well the keepers of the same, as also the persons there haunting, Imprison- resorting and playing, to take, arrest and imprison, and them so taken and arrested to keep in Prison, unto such time as the keepers and Maintainers of the said Plays and Games, have found Sureties to the Kings use, to be bound by Recognizance or otherwise, no longer to use, keep or occupy, any such House, Play, Game, Alley or Place.

§ 14. N. 3. And also that the persons there so found, be in likewise bound by them Recogni- selves, or else with Sureties, by the discretion of the Justices, Wapors, zance. Sheriffs,

Sheriffs, &c. no more to play, haunt or exercise from thenceforth, in, at or to any of the said places, or at any of the said games.

Parliament.

Forasmuch as before this time divers and sundry good Laws, Statutes, Provisions and Ordinances have ben made, by the Kings Majestie our Natural Sovereign Lord and other his most Noble Progenitoꝝ, for the Increase and Advancement of the Publick and Common-Wealth of this Realm of England, and of his Highness Subjects of the same, amongst which some special, notable and profitable Laws, Statutes, Ordinances and Provisions be very requisite, convenient and expedient for the same Common-wealth, duly and diligently to be put in daily Exercise and Execution.

Cap. 10.

Process.

And such as have been and be Authorized to put in due and just Execution such special and notable Laws, Statutes and Ordinances, and to correct and punish the Infringers and Contemners thereof, in such wise as is limited by the same, have been very remiss and negligent in doing their Offices, to the great detriment, hurt and prejudice of the Common-wealth.

§ 1. N. 2.

Days.

For Reformation whereof, be it Enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by Authority of the same, that all and singular the Justices of Peace, within any Shire, City, Borough or Place within this Realm of England, Wales, or any other the Kings Dominions, shall yearly at the general Sessions of the Peace to be holden next after the feast of Easter assemble themselves together, that is to say, every Number of them within the limits of their Commissions wherein they be named Justices of Peace. 37 H. 8. Cap. 7.

§ 1. N. 3.

Peace.

And at and upon such their Assembly, shall diligently together amongst themselves, peruse, examine, study and know, the Effects and true Intent of the Laws, Statutes, Ordinances and Provisions hereafter specified, that is to say, the Laws and Statutes heretofore made and provided, concerning or in any wise touching, Vagabonds, Retainers giving Liveries, Signs, Tokens or Badges, Maintenance, Embrocery, Bowstaves and Archery, unlawful Games, Foresters and Reagrators, Victual, Victualers and Inn-holders and every of them, and of all Statutes and Laws made in this present Parliament touching the same, or any of them, and after the perusing and deliberate understanding of the said Laws, Statutes, and Ordinances, they shall devise among themselves, how the same may be best put in due and just Execution, 37 H. 8. Cap. 7. § 1. N. 2.

§ 1. N. 4.

Lieu.

And for the better proceeding therein, they shall divide and sever themselves, limiting and assigning alwayes the number of two of them at least, or more, into Hundreds, Wapentakes, Rapes, Commotes or number of Towns and Villages by their discretions, 37 H. 8. Cap. 7. § 1. N. 4.

§ 1. N. 5.

Justices.

And that the said Justices so divided, or two of them at the least shall in every Quarter of the Year, from and after the said feast of Easter next coming, hold and keep within the limits of their Division one Session, besides the general Quarter Sessions for the Peace, the said one Session to be kept and holden alwayes within the limits of their Division, at and in one such day as by them shall be appointed, so that it be always six weeks at the least before the Quarter Sessions, 37 H. 8. Cap. 7. § 1. N. 7.

§ 1. N. 6.

Days.

And that all Process and Proceedings in every of the said Sessions to be holden, shall be continued from Sessions to Sessions, 37 H. 8. Cap. 7. § 1. N. 6.

§ 1. N. 7.

Enquest.

And that the said Justices or two of them at the least, at and in every such Sessions, shall have power and authority to enquire as well by the Oaths of twelve men, Inhabitants within the limits of their Division, as by any Information, given to them by any Person or Persons, of all defaults, offences, or contempts done or committed, or hereafter to be done or committed against the form of any of the Statutes aforesaid, and to hear and determine the same, 37 Hen. 8. Cap. 7. § 1. N. 7.

§ 1. N. 8.

Outlary.

And shall also have power and authority upon any Presentment or

§ 1. N. 9.



Information touching the Premises or any of them, to make Process by Venire Facias, one Capias, and an Exigent, under the Seals of the same Justices or two of them, against every such Person and Persons against whom any such Information or Presentment shall be had for their appearance afore them in their Sessions to be holden, as is aforesaid, to answer to such Information or Presentment as shall be there had or made, 37 H. 8. Cap. 7. § 1. N. 8.

§ 1. N. 10. And if the Person or Persons accused by Information or Presentment shall be convicted upon any such Information or Presentment by Confession or Verdict of twelve men, that then the said Justices of Peace, or two of them, afore whom such conviction shall be had, shall have power and authority to give Judgement against every such Offender and Offenders so convicted of such pains by imprisonment, or such Pains, losses, and forfeitures of money, or both, or any of them, as are limited in the said several Statutes, for such offences whereof they shall be so convicted, and cause Execution thereof to be made and had accordingly. 37 H. 8. Cap. 7. § 1. N. 9. Execution.

§ 1. N. 11. And also the said Justices of Peace or two of them, at and in their said Sessions to be holden, as is aforesaid, shall have power and authority to correct and reform the Pannels of Juries, for any Inquiries to be made afore them, touching the said Statutes or any of them, in like manner or form as Justices of Goal-delivery and of Peace may do in their Sessions by virtue of a Statute thereof made in the third year of our most dread Sovereign Lord the Kings Raign that now is, (viz. 3 H. 8. 12.) 37 H. 8. Cap. 7. § 1. N. 10. Inquest.

§ 1. N. 12. And that the Sheriffs and other Ministers having power to return Pannels, shall make his and their Returns according to such Reformation and Correction of the Justices aforesaid, upon the Pain limited by the same Statute, (viz. 3 H. 8. Cap. 12.) 37 H. 8. 7 § 1. N. Cap. 11. Return.

§ 2. N. 1. And it is ordained and enacted by Authority aforesaid, that if any person or persons be convicted as is aforesaid, by any Information afore the said Justices, or two of them, within the limits of their Division, that then the moiety of the Pains, Losses and Forfeitures of Money of the Offenders so convicted, shall be to the Kings Majesties use, and the other moiety thereof to the Party that persuech such Information, according to the tenor and effect of the said several Statutes. Prerog.

§ 2. N. 2. And if any Conviction be had by reason, or upon any Presentment, that then the Kings Majesty shall have the whole Pains, Fines and Forfeitures of the Offenders, all which Pains, Fines, Losses and Forfeitures of Money, to be due to the King by reason of any Conviction as is aforesaid, together with all Issues, Fines and Amercements afore the said Justices within the limits of their Division, shall be levied by the Sheriff or his Ministers, by a Schedule Indented, to be made between such Justices or two of them, afore whom such Pains, Losses and Forfeitures, Fines Issues and Amercements shall be lost and forfeit, and the said Sheriff. Forfeiture.

§ 2. N. 3. The one part of which Schedule, shall be certified by the said Justices or two of them, yearly in the Term of St. Michael into the Kings Exchequer, to the intent that the Sheriff shall there answer the same to the Kings use. Certificate.

§ 3. N. 1. Provided always and be it Enacted by Authority aforesaid, that every of the said Justices of Peace, shall have for holding of every of their said Sessions as is aforesaid, 4s. for their Costs. Fees.

§ 3. N. 2. And the Clerk of the Sessions by them to be appointed for the making and writing of the Process and Extracts of the Sessions, for every Sessions 2s. to be paid by the hands of the Sheriff of the Kings part and Portion of the Pains, Losses and Forfeitures, and of the Issues, Fines and Amercements aforesaid. Offices.

§ 4. N. 1. Provided always, that Justices of Peace in Cities, Boroughs and Towns Corporate, not being Shires or Counties of themselves, shall assemble once in the year with the Justices of Peace of the Shire where such Cities, Boroughs or Towns Corporate be and shall be limited to execute this Act within the City, Borough or Town Corporate where they shall be Justices of Peace, and not elsewhere. Corporat.

Pro.

- Indictment. Provided also, that no Information or Presentment, shall be had or taken by the said Justices of Peace so divided by Authority of this Act, but for such Offences, Defaults or Contempts as be or shall be done within the limits of their Division. § 5. N. 1.
- Justices. And be it further Enacted by Authority aforesaid, that the said Justices of Peace so divided or two of them, within the limits of their Division, shall have full Power and Authority to examine, inquire, hear and determine by Information and Trial as is aforesaid, all Defaults and Contempts, which after the Feast of the Nativity of our Lord next coming shall be done or committed by any Servants commonly called Peomen or Grooms, Husbandmen, Labourers and Artificers or any of them, against the tenor, form and effect of the Statutes and Laws made for excessive Apparel, and to correct and punish the Offenders, therein being thereof Convict aforesaid as is aforesaid, according to such Pains, forfeitures and Punishments as is limited by the said Laws and Statutes of Apparel, to be levied, paid and certified, as is aforesaid. § 5. N. 1.
- Wales. And it is further Enacted by the Authority aforesaid, that as well the Justices of Assize, as the Justices of Chetier, and the Kings Justices of North Wales and South Wales in all and singular their Circuits, shall have full Authority and Power by the force of this present Act, to inquire as well by Information as by Presentment before them, of the Defaults, Contempts, Omissions, Negligences, Favours, Affections, Corruptions and other things whatsoever they shall be, of all and singular the said Justices of Peace which shall not diligently, truly and duly see, put and cause the said good Laws and Statutes, Ordinances and Provisions to be put in due Exercise and perfect Execution, according to the effects as well of the said Statutes heretofore made, as of this present Act, and to hear, examine and determine the same, as is aforesaid. § 7. N. 1.
- Amercement. And to assess such Fines upon the said Justices of Peace, and upon every of them being Convict of any Defaults, Negligences and Offences as is aforesaid, as to their discretion shall be thought expedient for the Quality and Quantity of their Offences. § 7. N. 2.
- Officers. And be it Enacted by the Authority aforesaid, that all Sheriffs, Bailiffs, Constables, Head-Boroughs, and all and singular other Officers and Ministers whatsoever, as well within Liberty as without, shall be attendant, aiding and assisting to all and singular the said Justices of Peace, in and for the due Execution of this Act, upon Pain to make such Fines as by the said Justices of Peace or two of them, shall be assessed to the Kings use by their discretions. § 8. N. 1.
- Justices. Provided always, that this Statute shall not bind any Justice of Peace or of Quorum, to assemble or execute any thing in this Act, or in any other Shire, City, Borough or place, then in such Shire, City, Borough or place where he shall be resident and dwelling at that time when such Assembly shall be made by virtue of this Act. § 9. N. 1.
- Appearance. Provided also, that such Lords and others which being Justices of Peace or Quorum, be or shall be of the Kings Privy Council attendant upon his Royal Person, or any Principal Officer of his Highness House attendant upon his Office, and other which shall happen to be appointed in his Highness Service by his Majesties Commandment, shall not be compelled to assemble with the Justices of Peace or Quorum, in any Shire, City or Borough, or otherwise bounden to do or exercise by Authority of this Act, than they be bound to do aforesaid the making of this Act, any thing or things contained in this Act to the contrary notwithstanding. § 10. N. 1.
- Prerog. Provided also, that the Justices of either Bench, Barons of the Kings Exchequer, the Kings Attorney and Solicitor, and all other Justices, Officers and Ministers being bound to attend at the Terms, shall not during their such attendance, be compelled to hold or keep any Sessions in the limits divided to them upon the Assembly of the Justices of Peace as is aforesaid. § 11. N. 1.
- Days. And to the intent that the said Justices, Barons, and all other Officers and Ministers aforesaid, may the better be once in the year at every Assembly aforesaid, it is therefore Ordained by Authority of this Act, that the Quarter Sessions holden after Easter, shall be yearly kept upon the

the Tuesday next after Low-Sunday, in every Shire of this Realm, Wales, and other the Kings Dominions.

§ 13. N. 1. Provided always, that this Act or any thing therein contained shall Franchise. not in any wise extend to the County Palatine of Hexam within the County of Northumberland, ne to the County Palatine of Ely within the County of Cambridge: ne to any Town-Corporate or Liberty within either of the said Counties Palatine, having Justices of Peace for or concerning the extracting, returning, certifying or leyping of any Issues, Fines, Forfeitures, Amercements or Penalties, to be assessed or taxed, upon any person or persons in any Sessions to be holden within the said Counties Palatine, or either of them, or within any Town-Corporate, situate and bring within either of the said Counties Palatine.

§ 13. N. 2. But that the same Issues, Fines, Forfeitures, Amercements and Penalties and every of them, may be assessed, taxed, extracted, returned, certified and leyped from time to time hereafter, in such manner and form to all intents and purposes, as they and every of them have ben used to be assessed, taxed, extracted, returned, certified and leyped at any time before the making of this Act, or should be assessed, taxed, extracted, returned, certified and leyped, if this Act had never ben had or made, this Act or any thing therein contained to the contrary notwithstanding. Amercements.

§ 14. N. 1. Provided always and be it Enacted by the Authority abovesaid, that Days. Justices of the Peace within any Shire of this Realm of England and Wales, shall not be compelled by vertue of this Act to assemble themselves for the Execution of this Act for this present year, before the next general Assizes to be holden within every such County before the Feast of St. Michael the Arch-Angel next coming, but that they and every of them shall be compelled upon like pain mentioned in this Act, to assemble themselves at the said general Assizes for the execution of the same for this present year only, according to the Purport, Tenor and True meaning of this Act, any thing in this Act to the contrary notwithstanding.

§ 15. N. 1. Provided always, that this Act nor any therein contained, shall Cinq Ports. not in any wise extend, ne be prejudicial or hurtful to the County Palatine and Duchy of Lancaster, or any Town-Corporate within the same County Palatine and Duchy, having Justices of the Peace, for or concerning the extracting, returning, certifying or leyping of any Issues, Fines, Forfeitures, Amercements or Penalties, to be taxed or assessed, upon any person or persons, in any Sessions to be holden within the said County Palatine and Duchy of Lancaster, or Towns-Corporate parcel of the same Duchy by vertue of this Act, but that the same Issues, Fines, Forfeitures, Amercements and Penalties, shall and may be extracted, returned, certified or leyped from time to time, in such manner and form to all intents and purposes, as they have used to be extracted, returned, certified and leyped at any time before the making of this Act, this Act or any thing therein contained to the contrary notwithstanding.

§ 16. N. 1. Provided always and be it Enacted by Authority aforesaid, that all Forfeitures. Issues, Fines, Amercements and Forfeitures, rising and growing by vertue of this present Act within any of the general Liberties, Franchises or Temporal Jurisdictions, which ben severally appointed and assigned to the Survey, Order and Governance of the King our Sovereign Lords several Courts of the Augmentations of the Revenues of his Crown, and of the general Surveys of the Kings Lands, shall be claimed and allowed, and also collected and leyped, by the Kings Bailiffs or other Officers of the same Liberties, Franchises and Jurisdictions for the time being, and shall be severally answered to the King in the same several Courts, after and according to such sort and order, as other Issues, Fines, Amercements and Forfeitures within the same several Liberties, Franchises and Jurisdictions, as this present time ben or ought to be claimed, allowed and answered, any thing in this present Act to the contrary notwithstanding.



Wales.

Provided always, and be it further Enacted by the Authority aforesaid, That the Justices of Peace in every of the Shires in South Wales and North Wales, and County Palatine of Chester, according to their limitation, shall and may certifye all the Estraits by them to be made in manner and form as is aforesaid, to and afoze such Chamberlain or Chamberlains, Chancelloz or Chancellors, Auditor or Auditors, in such place or places, as by the Kings Majestie is or hereafter shall be appointed or assigned for hearing and determining of the Sheriffs accounts in every of the said Shires in Wales, or County Palatine aforesaid, any thing in this Act mentioned to the contrary notwithstanding.

§ 17. N. 1.

Franchise.

Provided always, That this Act or any thing therein contained, shall not in any wise extend to the County Palatine, and County of Durham, or to any Town Corporate within the same County Palatine, or County having Justices of Peace, for and concerning the extracting, returning, certifying or leavping of any Issues, fines, forfeitures, Amerciaments, or Penalties to be assessed or taxed upon any person or persons in any Sessions to be holden within the said County Palatine or County of Durham, or within any Town Corporate, situate and being within either the said County Palatine or County, but that the same Issues, fines, forfeitures, Amerciaments or Penalties, and every of them, may be assessed, taxed, extracted, returned, certified and leyped from time to time hereafter, in such manner and form, to all intents and purposes as they and every of them have been used to be assessed, taxed, extracted, returned, certified, and leyped at any time, before the making of this Act, or should be assessed, taxed, extracted, returned, certified and leyped, if this Act had never been had or made, this Act or any thing therein contained to the contrary notwithstanding.

§ 18. N. 1.

Cinque Ports

Provided always, and be it Enacted, That this Act, or any thing therein contained, shall not extend to the Barons and Inhabitants of or within the Cinque Ports, or their members, or to any of them, to compel or constrain them or any of them, to assemble themselves with any of the Justices of the Peace out of their said Ports and Members, and the liberties of the same, or for and concerning the Estraiting of fines, Issues, forfeitures, and Amerciaments, to be set, lost, or assessed by virtue of this Act, within the liberties aforesaid.

§ 19. N. 1.

Appearance.

But that they and every of them shall and may assemble themselves together at such place and places within their liberties for the executing of this Act, as to them shall be thought most convenient, and to divide themselves after such fashion, as they shall think best and most requisite for the executing of this Statute in this Act mentioned.

§ 19. N. 2.

Amercement.

And may and shall take such fines, Issues, forfeitures, and Amerciaments, and every of them as shall be set, lost, and assessed by virtue of this Act, in such manner and form, and to such uses, purposes and intents, as they or any of them lawfully should, might, or ought to have had before the making of this Act, this Act or any thing therein contained to the contrary notwithstanding.

§ 19. N. 3.

Franchise.

Provided alway, that this Act or any thing therein contained, be not at any time hereafter in any wise prejudicial or hurtful to any person or persons, Bodies Politick or Corporate, to their Heirs or Successors, or to the Heirs or Successors of any of them, for or concerning any their lawful rights, titles, interest or claims, of, in or to any manner of Issues, fines, Amerciaments, Penalties, or other forfeitures in any wise to be assessed, lost, and forfeited before any Justices of Peace, at their Sessions hereafter to be holden, or kept in any Shires, City, Borough, or Town Corporate, within this Realm of England, by virtue and authority of this Act.

§ 20. N. 1.

But that every such Person or Persons, Bodies Politick and Corporate, their Heirs and Successors, and the Heirs and Successors of every of them, and their lawful deputies in such behalf, shall and may at all times hereafter, assess, tax, extract, return, lepy, claim, have, and enjoy all manner such Issues, fines, Amerciaments, forfeitures, and other penalties, and every of them to all such uses, and purposes, and in like manner and form in every behalf, as they or any of them have law-

§ 20. N. 2.

fully used to do, and have or might have done and had at any time before the making of this present Act, by vertue of any Grant to them or any of them heretofore made or granted, or otherwise by vertue of any Custom or lawful Usage thereof heretofore used in every behalf, this Act, or any therein contained to the contrary notwithstanding.

- § 21. N. 1. This Act to continue to the latter end of the next Parliament. Days.
- 24 H. 8. And (Viz. if any Printer, &c. or any Person, &c.) be of any the Of- Books.  
C. 1. § 3. N. 4. fences aforesaid, (viz. printing, uttering or using Books of Religion in Interludes Prohibited, &c.) Convicted by sufficient Witness before any two of the Kings Council, or the Ordinary of the Diocels where any such offence shall be committed, and two Justices of the Peace of the same Shire, where any such Ordinary shall sit within his Diocels for that purpose, &c.
- § 3. N. 5. Shall have for the first time Imprisonment, &c. for three months and al- Forfeiture.  
to lose, &c. 10l. &c.
- § 19. N. 1. And be it further Enacted, That if any Spiritual Person, &c. Preach, Religion.  
Teach, Defend, and Maintain any Matter, &c. Contrary to the godly Instructions or determinations which since (viz. 1540.) is or shall be set forth by his Majesty, &c. being thereof convicted before the Ordinary of that Diocels, within the which the said offence shall be committed, and two Justices of the Peace, &c. shall before the first time be admitted to recant, &c.
- § 25. N. 2. And in case any such Justices being so required, &c. (viz. by the Or- Justices.  
dinary, on notice of time and place of sitting, &c.) having convenient and reasonable warning and knowledge in writing from the said Ordinary, &c. do not come to such place and at such time as shall be so appointed, having no lawful and just Impediment to the contrary, shall forfeit and lose to the Kings Highness for every such Offence 40 s. to be Executed, &c.
- C. 3. § 1. N. 11. And the said Offender, (viz. in false measure of Coals, Talwood, Faggots Measures,  
or Billets, &c.) out of the said City, Borough or Town, to be punished by the discretion of two Justices of Peace inhabiting within the Shire where the Offence shall be committed or done.
- C. 14. § 2. N. 1. In Consideration whereof, (Viz. of the Incertainty where to have Records Records.  
of Justices of Peace, Goal-delivery, Oyer and Terminer, &c.) Be it Enacted, &c. that the Clerk of the Crown, Clerks of Peace and Clerks of Assize, &c. where any such Attainder, Outlawry or Conviction, (viz. of Murder, Robbery or other Felony, &c.) shall so be had, shall, &c. not only certify a Transcript, &c. before the King, &c. in his Bench at Westminster, in the County of Middlesex, there to remain of Record for ever, &c. but also shall deliver a Transcript of every such Indictment whereupon the said person, &c. shall fortune hereafter to be convicted, or Clerks attained to the Ordinary, to whom the body of the said person, &c. shall be committed.
- § 4. N. 1. And be it Enacted, &c. that the said Clerk of the Crown in the Kings Certificate.  
Bench, &c. shall at all such times as the Justices of Goal-delivery or Justices of Peace in every County within this Realm of England, do write unto him for the names of such persons which be so attained by Outlawry, or Clerks attained, or convict and certified in the said Bench of our said Sovereign Lord the King, shall incontinently without delay, certify the said Names and Surnames of the said persons, with the Causes why and wherefore they were convict or attained, unto the Justices of Goal-delivery or Justices of Peace upon the pain, &c. to forfeit for every Name of such persons which shall be so written for, and not certified by the said Clerk of the Crown in the Kings Bench to the said Justices, forty shillings.
- 35 H. 8. Cap. 5. O. (viz. none to be arraigned for Offence against 31 H. 8. Cap. 14. § 9. Religion.  
§ 1. N. 6, N. 2. &c. but on Presentment, &c.) before the Justices of Peace sitting in their Sessions, or three of them at the least.
- C. 17. § 7. N. 2. And if the Lord (viz. that would inclose Wood of Common, &c.) and Woods.  
the said Tenants and Inhabitants, or the most part of them cannot, will not, or do not assent, consent and agree, for and upon the severing, dividing, setting out, meting and bounding of the said fourth part of the

the said Woods and Under-woods, (Viz. to be left out, &c.) of as much thereof as shall amount to the full fourth part thereof, that then two Justices of the Peace not being of the kin, Alliance, Council or Fe, of or to the said Lord or Owner, being thereto appointed by the more number of the Justices of Peace of the Shire where the said Ground or Soyl lyeth, in their open Quarter Sessions upon Request and Suit made unto them by the Lord or Owner, or by his or their lawful Deputy or Deputies of the said Woods, Under-woods, Grounds or Soyl, shall have full Power and Authority to call before them, upon such Pains and Penalties as the said Justices shall limit, and appoint such twelve of the said Commons and Inhabitants nigh unto the same Woods or Under-woods, as by the discretion of the said two Justices shall be thought meet and convenient.

Common.

And upon or after the appearance of the same Lords, Owners, Commons and Inhabitants, or the most part of them, the same Justices shall open and declare unto the same Lord, Owner, Commons and Inhabitants, the Cause of their Assembly and Appearance, and that done, shall by the Advice and Assent of the said Lord, Owner, Commons and Inhabitants, or their lawful Deputy or Deputies or the most part of them, effectually proceed to the severing, dividing, meting and bounding of the said fourth part of the said Woods and Under-woods, or of so much thereof as shall amount to the fourth part thereof.

§ 7. N. 3.

Justices.

And if the same Justices, Owners, Commons and Inhabitants or the most part of them, cannot or will not agree upon the Division, &c. that then the said Justices shall have full Power and Authority by this Act, to sever, divide and set out by metes and bounds, the fourth part of the said Woods and Under-woods, or so much thereof under the same fourth part of the said Woods and Under-woods, as shall by the Discretions and Wisdoms of the said Justices, be thought necessary and requisite to limit and set out.

§ 7. N. 4.

Parliament.

Statutes made in the Parliament holden at Westminster, in the seven and thirtieth year of the most renowned H. 8. by the Grace of God King of England, France and Ireland, Defendor of the Faith and of the Church of England, and also of Ireland, in Earth Supream Head.

37 H. 8. pa. 605.

Chancery.

Where before this time the Lord Chancellor of England for the time being, hath by reason of his Office of the Chancellorship, the Nomination and Appointment of the Custos Rotulorum within all and every Shire of this Realm of England and Wales, and other the Kings Dominions, Marches and Territories of the same, 3 & 4 Ed. 6. Cap. 1 § 2. N. 3.

Cap. 1.

Peace,

And yet in like manner all and every person which had enjoyed the said Office of the Custos Rotulorum, hath had until now of late, the nomination and appointment of the Clerk of the Peace, within such Shires where he or they had and enjoyed the said Office of Custos Rotulorum.

§ 1. N. 2.

Officer.

And where now of late divers and sundry persons within this Realm being not learned, nor yet meet ne able for lack of knowledge and Learning, to occupy and exercise the said Office of the Custos Rotulorum and of the Clerk of the Peace, have of late years by labor, friendship and means attained and gotten for term of their lives, of the Kings Majesty, several Grants by his Highness Letters Patents to them made of the Clerkship of the Peace, by reason whereof, and for that the Parties to whom the said several Grants have ben so made and granted, have not ben sufficiently learned to exercise and occupy the same Office and Offices, many and sundry Indictments as well of Felony, Murder and other Offences and Misdemeanors, and the Process awarded upon the same Indictments, have not only ben by reason thereof made clearly frustrate and void, sometime by reason of the negligent ingrossing and keeping of the said Indictments, and sometime by reason of the Imbezelling or Hazure of the same Indictments.

§ 1. N. 3.

Inrollment.

But also (viz. by ignorant Clerks) divers and sundry Bargains and Sales, of divers and sundry Mannors, Lands and Tenements, had and made between party and party, have ben made frustrate and void for lack of sufficient Inrollment of the Bargains and Sales, to be had and made by the Clerks of the Peace, to the great hindrance of Justice, and

§ 1. N. 4.

to



to the Disinheritance of divers of the Kings most Loving Subjects.

- § 2. N. 1. For Reformation whereof, to the intent that Justice may be the better hereafter preserved, and that the same Offices may hereafter be occupied and exercised by such persons learned in the Laws of this Realm, as shall be able to exercise and supply the same. Ability.
- § 2. N. 2. Be it Enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament assembled, and by Authority of the same, that no person or persons shall from henceforth be nominated and appointed, to the said Office and Offices of the Custos Rotulorum within any Shire of this Realm of England, Wales and other the Kings Dominions, Marches or Territories of the same, but such as shall have a Bill signed with the Kings hand for the same, 3 & 4 Ed. 6. Cap. 1. Prerog.
- § 2. N. 3. Which Bill signed, shall be a sufficient Warrant by the Authority aforesaid, to the said Lord Chancellor of England and the Lord Keeper of the Great Seal for the time being, to make from time to time Commission or Commissions, assigning and authorizing thereby, the same person to be Custos Rotulorum, until the King hath by another Bill assigned with his own hand, appointed and ordained one other person to have, occupy and exercise the same Office of Custos Rotulorum, 3 & 4 Ed. 6. Cap. 1. § 1. N. 2. Chancery.
- § 2. N. 4. And that the said person appointed and Assigned to be Custos Rotulorum as is aforesaid, shall and may, occupy, exercise and enjoy the same Office of Custos Rotulorum by himself, or by his sufficient Deputy learned in the Laws of this Realm, and met and able to supply the said Office, according to the tenor of the said Grant or Commission, 3 & 4 Ed. 6. Cap. 1. Patents.
- § 1. N. 3.
- § 3. N. 1. And be it further Enacted by the Authority of this present Parliament, that every Custos Rotulorum for the time being, shall at all times hereafter in every Shire of this Realm, Wales, and other the Kings Dominions, Marches and Territories of the same, nominate, elect, appoint and assign, all and every person and persons which hereafter shall be Clerks of the Peace within any of the said Shires of this Realm of England, Wales, and other the Kings Dominions, Marches and Territories of the same. Peace.
- § 3. N. 2. And to give and grant the said Office and Offices of Clerkship of the Peace, to such able persons instructed in the Laws of this Realm as shall be able to exercise and occupy the same, to hold and enjoy the same, during the term that the said Custos Rotulorum shall occupy and exercise the said Office of Custos Rotulorum, so that the said Clerk demean him in the said Office justly and honestly. Officer.
- § 3. N. 3. And that it be lawful to every such Grants of the said Clerkship, to occupy and enjoy the same Office of the Clerkship of the Peace by himself, or by his sufficient Deputy instructed in the Laws of this Realm, so that the same Deputy be admitted, taken and reputed by the said Custos Rotulorum, be sufficient and able, to exercise, occupy, keep and enjoy the same Office of the Clerkship of the Peace. Deputy.
- § 4. N. 1. Provided always, and be it Enacted by the Authority aforesaid, that all such as now have any of the said Offices of Custos Rotulorum, or Clerkship of the Peace by the Kings Letters Patents of Commission to them made, shall and may enjoy, have and exercise their said Offices by virtue of the same Letters Patents or Commission, by themselves or by their sufficient and able Deputy instructed in the Laws of this Realm, any thing in this present Act had or made to the contrary notwithstanding. Patents.
- § 5. N. 1. Provided also and be it Enacted by Authority aforesaid, that the Arch-Bishop of York, the Bishop of Durham, the Bishop of Ely and every of their Successors, and all and every such person and persons, Corporations and Bodies Corporate to whom the Kings Majesty or any of his Noble Progenitors, by his or their Letters Patents have given and granted any Liberty and Authority, or otherwise have Authority by other lawful means or ways, to obtain, make and constitute any of the said Officers of Custos Rotulorum, or Clerk of the Peace within any County Franchise.

ty Palatine or other place, and may have and enjoy the same Liberty and Authority according as they have enjoyed the same, any thing in this present Act had or made to the contrary notwithstanding.

Parliament.

Where in the Parliament begun at Westminster the sixteenth day of January, in the thre and thirtieth year of the Kings Majesties Reign, (viz. 33 H. 8. Cap. 10. § 1. N. 3.) it was Enacted amongst other things, that all and singular Justices of the Peace within any Shire, City, Borough or place within this Realm of England, Wales or any other the Kings Dominions, should yearly at the general Sessions of the Peace to be holden next after the Feast of Easter, assemble themselves together, that is to say, every number of them within the limits of their Commissions wherein they be named Justices of the Peace, &c.

Justices.

And forasmuch as the Kings most loving Subjects are much Troubled and otherwise Incumbred, in coming and keeping of the said six weeks Sessions, to their Costs, Charges and Inquietness.

Be it therefore Enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons of this present Parliament assembled, and by the Authority of the same, that the said former Act made in the said thre and thirtieth year of the Kings Majesties Reign, (viz. 33 H. 8. Cap. 10.) and all Ordinances, Articles, Provisions and things therein contained, shall be from hence forth repealed, annulled, and utterly void and of none effect, to all Intents, Constructions and Purposes.

Inquest.

And that all and every Article therein contained, (viz. in 33 H. 8. Cap. 10.) shall be by vertue hereof, inquired of before all Justices of Peace, at their August Quarter Sessions.

Justices.

And that the same Justices of Peace at their said Quarter Sessions, shall have like Power and Authority by vertue hereof, to punish and reform all and every such Offence and Offences, in like manner and form as they might have done by vertue of the said former Act made in the said thre and thirtieth year of the Kings Reign. (viz. 33 H. 8. Cap. 10.)

## Statuta Edw. 6.

Religion.

**A**D for full and effectual Execution of, &c. this Act, (viz. against Reviling the Sacrament, &c.) be it furthermore Enacted, &c. that, &c. the Justices of Peace or thre of them at the least, whereof one of them to be of the Quorum, in every Shire of this Realm and Wales, and all other places within the Kings Dominions, shall have full Power, &c. as well to take Information and Accusation by the Oaths and Depositions of two able, honest and lawful persons at the least.

Days.

And after such Accusation or Information so had, to inquire by the Oaths of twelve men, in every their four Quarter Sessions yearly to be holden, of all and singular such Accusations or Informations, to be had or made of any of the Offences abovesaid, &c. within the limits of their Commission.

Indictment.

And that upon every such Accusation and Information, the Offender, &c. shall be inquired of and indicted before the said Justices of Peace or thre of them at the least, &c. of the said Contempts and Offences, by the Verdict of twelve honest and indifferent men, if the matter of the said Accusation and Information shall seem to the said Jury, good and true.

Justices.

And it is also further Enacted, &c. that the said Justices of Peace or thre of them at the least, &c. before whom any such Presentment, Information and Accusation shall be made or taken, &c. shall examine the Accusers, what other Witnesses were by and present at the time of the doing and committing of the Offence, &c. and how many others than the Accusers have knowledge thereof?

Recognizance.

And shall have Power, &c. by their discretions, to bind by Recognizance to be taken before them, as well the said Accusers as all such other persons.

Cap 7.

§ 2. N. 1.

§ 2. N. 2.

§ 2. N. 3.

§ 2. N. 4.

1 Ed. 6. C. 1.  
§ 1 N. 7.

§ 1. N. 8.

§ 1. N. 9.

§ 2. N. 1.

§ 2. N. 2.

persons whom the said Accusers shall declare to have knowledge of the Offences by them presented and informed; every of them in five pounds to the King, to appear before the said Justices of the Peace, before whom the Offender, &c. shall be tried at the day of the tryal and deliverance of such Offenders.

§ 3. N. 1. And it is further Enacted, &c. that the said Justices of Peace or three of them at the least, &c. shall have full Power, &c. to make Process against every person and persons so Indicted by two Capias and an Exigent, and by Capias Utlagatum, as well within the limits of their Commission as into all other Shires and Places of this Realm, Wales, and other the Kings Dominions, as well within Liberties as without, &c. Process.

§ 3. N. 2. And upon the Appearance of any of the Offenders, shall have full power, &c. to determine the Contempts and Offences aforesaid, viz. in reviling the Sacrament, &c. ) According to the Laws of this Realm and the effects of this Act. Religion.

§ 3. N. 3. And that the said Justices, &c. or three, &c. at the least, &c. shall have full Power, &c. to let any such person, &c. so Indicted upon sufficient Sureties by their discretions, to Bail for their appearance to be tried, &c. Bail.

§ 4. N. 1. Provided always and be it Enacted, that the said Justices of the Peace or three of them at the least, at their Quarter Sessions where any Offender, &c. shall be, &c. Indicted, &c. shall direct and award one Writ in the Kings Name to the Bishop of the Diocese wherein the said Offences, &c. are supposed to be committed or done, willing and requiring the said Bishop to be in his own person, or by his Chancellor, or other his sufficient Deputy learned, at the Quarter Sessions in the said County to be holden, when and where the said Offender shall be arraigned and tried, appointing to them in the said Writ, the Day and Place of the said Arraignment. Ordinary.

C. 5. § 2. N. 1. And be it further Enacted, &c. that it shall be lawful, &c. to all and every the Kings Justices of Peace in every Shire, as well in England as in Wales in their Quarter Sessions, to inquire of all and every Offence or Offences hereafter to be perpetrated, committed or done contrary to this Act, ( viz. In conveying Horses, Mares or Geldings, into Scotland or beyond the Seas. ) Merchants.

C. 7. § 4. N. 1. And also be it Ordained, &c. that albeit any, &c. Justice of the Peace within any of the Kings Dominions, &c. shall fortune to be made, &c. Duke, Arch-Bishop, Marquis, Earl, Viscount, Baron, Bishop, Knight, Justice of the one Bench or of the other, or Serjeant at the Law, or Sheriff, yet that notwithstanding he shall still remain Justice, &c. and have full Power, &c. as he or they might or ought to have done before the same. Abatement.

§ 6. N. 1. And over that no manner of Process or Suit made, &c. before any, &c. Justices of Peace, &c. shall ne in any wise be discontinued, &c. by altering of the names of the, &c. Justices of Peace, 11 H. 6. Cap. 6. § 1. N. 2. Justices.

C. 12. § 19. N. 3. And that the same Accusation, &c. so to be had, made and declared, ( viz. within thirty days after Treason spoken, &c. ) shall be made to one of the Kings Council, or to one of the Kings Justices of Assize, or else to one of the Kings Justices of the Peace being of the Quorum, or to two Justices of the Peace within the Shire where the same Offence, &c. shall happen to be done or committed, any thing in this Act contained to the contrary, in any wise notwithstanding. Treason.

2 & 3 Ed. 6. And if such Souldiers so offending, ( viz. departing or selling their Har- War. nels, &c. ) fortune to escape from the Lieutenant, &c. without the Punishment ( viz. of Imprisonment till Satisfaction ) and Restitution aforesaid, that then the same Souldier upon complaint made by the Party grieved, or his Executors or Administrators, upon due Proof thereof to made to any Justice or Justices of the Peace in the parts where such Souldiers so offending shall be found, shall be by such Justice or Justices committed to Ward, there to remain without Bail or Mainprize, until he have satisfied the Party grieved, his Executors or Administrators, of and for such Horses, Geldings or Mares and Harnels, so by any such Souldier wil-



- wilfully lost, exchanged, altered or otherwise purloyn'd.
- Process.** And that the Justices of every Shire where any such Souldier (viz. Departing without Licence) shall be taken, shall have full Power to inquire, hear and determine in all and every the said Offences concerning every such Departure, as they do and may do in all other Cases of Felony committed in the Shire where such Souldiers shall be taken. § 6. N. 2.
- Justices.** And be it further Enacted, &c. that the Justices of Peace in every of their Sessions, and also the Steward in every Act shall have full Power, &c. to inquire, hear and determine, as well by Presentment of twelve Men, as by Accusation or Information of two honest Witnesses, of, for and upon all and every the Offences and Forfeitures, &c. (viz. of not well drying sitting or mixing of Mault, &c.) as well for the King as for the Party that shall sue, procure or cause the same to be presented as is beforesaid. C. 10. § 4. N. 1.
- Coron.** And if any of them (viz. Constables, Bailiffs, &c.) shall thereupon (Viz. on Search) find any Mault so put to Sale, being evil made, or mingled with evil Mault, &c. that then the said Bailiff or Constable so finding any such Mault, &c. with the advise of one Justice of Peace within the same Shire, shall cause the same to be sold to such person, &c. and at such reasonable price, &c. and under the common price of the Market, as to his discretion shall seem necessary and expedient. § 4. N. 3.
- Games.** And that all and every other person Authorized to shoot or otherwise, if he inhabit in any Town-Corporate be presented by the Mayor or other Officer of the same, and inhabiting in the County, be presented within one Month after the publishing of this Act, to the next Justice of Peace adjoining. C. 14. § 2. N. 2.
- Corporation** In which Cases, the said Mayor, Justice or other Officer so taking their names as is aforesaid, shall again present and record the same before a Justice of the Peace at the next Quarter Sessions, to the intent the Clerk of the Peace of the County may keep a certain Book or Roll of the names of all such persons, by the which the Kings Majesty may from time to time be ascertained how many met and able men exercised in that feat be in every County, that the same may be employed in his Graces Service, as need and occasion shall require. § 2. N. 3.
- Viſtuals.** And it is further Ordained, &c. that all and singular Justices of Assize, Justices of Peace, Mayors, Bailiffs and Stewards of Ports, at all and every their Sessions Ports and Courts, shall have full Power and Authority to inquire, hear and determine, all and singular Offences committed against this Statute, (viz. of conspiracy by Victualers, Artificers, &c.) and to punish or cause to be punished, the Offender according to the Tenor of this Act (viz. by Fine, Imprisonment, Pillory, &c.) C. 15. § 3. N. 1.
- Fish.** And furthermore it is Ordained, &c. that Justices of Goal delivery and Justices of Peace, in all and singular Counties, Cities, Towns-Corporate and other places within this Realm of England and other the Kings Dominions, shall have full Power and Authority to inquire hear and determine all manner of Offences that shall be committed or done contrary to this Act, (viz. Eating Flesh on Fridays, Saturdays, Embring-days and Fish-days) in like manner and form as they may inquire, hear and determine, any Treſpaſs or other Offence against the Kings Peace committed or done, within the limits or place where they then shall be Justices, &c. C. 19. § 4. N. 1.
- Coron.** For redress, &c. be it Enacted, &c. that where any person, &c. shall be feloniously stricken or poisoned in one County, and dye of the same, &c. in another County, that then an Indictment thereof found by Jurors of the County where the death shall happen, whether it shall be found before the Coroner, &c. or before the Justices of Peace, or other Justices or Commissioners &c. shall be as good, &c. as if the Stroke or Poisoning had been committed or done in the same County where the Party shall dye, or where such Indictment shall be so found, &c. C. 24. § 2. N. 4.
- Lieu.** And further be it Enacted, &c. that where any Murder or Felony hereafter shall be committed and done in one County, and another person or more shall be accessory, &c. in any manner of wise, &c. in any other County, that then an Indictment found, &c. before the Justices of Peace, or other Justices or Commissioners, to inquire of Felonies in the County where such Offences of Accessary, &c. shall be committed, &c. shall be

as good and effectual in the Law, as if the said principal Offence had been committed, &c. within the same County where the same Indictment against such Accessary shall be found.

- § 4. N. 2. And that the Justices of Goal-delivery, or Oyer and Terminer, or two of them, or in such County where the Offence of any such Accessary shall be hereafter committed, &c. upon suit to them made, shall write to the Custos Rotulorum, or Keepers of the Records where such Principal shall be hereafter attainted or convicted, to certify them whether such Principal be attainted or convicted, or otherwise discharged of such principal Felony, who upon such Writing to them or any of them directed, shall make sufficient Certificate in Writing under their Seal or Seals to the said Justices, whether such Principal be attainted and convicted, or otherwise discharged, or not. Accessary.

3 & 4 Ed. 6.  
p. 657.

Acts made in the Session of this present Parliament, holden upon Prorogation at Westminster, the fourth day of November in the third year of the Reign of our most Dread Sovereign Lord Edward the sixth, by the Grace of God King of England, France and Ireland, Defender of the Faith and of the Church of England, and also of Ireland, in Earth the Supream Head, and there continued and kept to the first day of February, in the fourth year of the Reign of our said Sovereign Lord as followeth.

Parliament.

C. p. 1.

Where in the Parliament holden at Westminster in the seven and thirtieth year of the Reign of the most excellent Prince of famous Memory King Henry the eighth, (viz. 37 H. 8. Cap. 1. § 2. N. 2.) it was Enacted that no person or persons should from the making of the said Act, be nominated and appointed to the Office or Offices of Custos Rotulorum, within any Shire of this Realm of England, Wales or other the Kings Dominions, Marches or Territories of the same, but such as should have a Bill signed with the Kings hand for the same. Patents.

- § 1. N. 2. Which Bill signed (viz. 37 H. 8. Cap. 1. § 2. N. 3.) should be a sufficient Warrant by Authority of the said Act, to the Lord Chancellor of England and Lord Keeper of the Great Seal for the time being, to make from time to time Commission or Commissions, assigning and authorizing thereby the same person to be Custos Rotulorum, untill the King had by another Bill assigned with his own hand, appointed and ordained another person to have, occupy and exercise the same Office of Custos Rotulorum. Chancery.

- § 1. N. 3. And (viz. 37 H. 8. Cap. 1. § 2. N. 4.) that the said person appointed and assigned to be Custos Rotulorum as is abovesaid, should and might, occupy, exercise and enjoy the said Office of Custos Rotulorum by himself, or by his sufficient Deputy learned in the Laws of this Realm, and met and able to supply the said Office according to the Tenor of the said Grant or Commission, as by the same Act among other things more at large it doth and may appear. Peace.

- § 2. N. 1. Since the making of which Statute (viz. 37 H. 8. Cap. 1. § 2.) divers and many persons being in the said Offices of Custos Rotulorum in divers Shires of the Realm, have departed this present Life and dyed, so that there hath not come to the hands of the Chancellor of England or Lord Keeper of the Great Seal, any Bill or Bills assigned with the Kings Majesties hand, for the naming, appointing or assigning of any new Custos Rotulorum in the same Shires, and so the said Offices have remained void for a long time to the great let of Justice. Patents.

- § 2. N. 2. And also for that it shall be very tedious and much to the molesting of the Kings Majesty upon every avoidance of such Custos Rotulorum by death or otherwise to move his Majesty for the signing of Bills for other persons to be elected, named, chosen and appointed to supply the said Offices of Custos Rotulorum being void. Officer.

- § 2. N. 3. And for that the nomination and appointing of the said Office of Custos Rotulorum long before the making of the said Statute, &c. (viz. 37 H. 8. C. 1.) did appertain and belong to the Office of the Chancellor of England, or Lord Keeper of the Great Seal for the time being. Chancery.

- § 3. N. 1. Be it therefore Enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, that the Chancellor of England, or Lord Keeper of the Great Seal for

Prerog.

for the time being, shall at all time and times hereafter, and from time to time without any Bill or Bills to be assigned with the Kings hand, name elect, assign and appoint such person and persons to be Custos Rotulorum within every Shire of this Realm of England, Wales, and other the Kings Dominions, Marches and Territories of the same or by any of them, as by the discretion of the said Lord Chancellor or Lord Keeper of the Great Seal for the time being, shall be thought able and meet to have and exercise the same.

Deputy.

§ 3. N. 2.

And that the said person or persons so to be appointed, elected, named and assigned by the said Lord Chancellor or Lord Keeper of the Great Seal for the time being, shall and may, occupy, exercise and enjoy the same Office of Custos Rotulorum by himself, or by his sufficient Deputy or Deputies, in as ample, and large manner and form, as if the said Act (viz. 37 H. 8. Cap. 1.) had never been had ne made, the before rehearsed Act, or any thing therein contained to the contrary hereof, in any wise notwithstanding.

Patents.

§ 4. N. 1.

Provided allways, and be it Enacted by the Authority aforesaid, that all such as now have any of the said Offices of Custos Rotulorum by the Kings Letters Patents or Commission, to them or any of them made, shall and may enjoy, have and exercise the said Offices, by vertue of the same Letters Patents or Commission, by himself, or his sufficient and able Deputy instructed in the Laws of this Realm, any thing in this present Act had or made to the contrary notwithstanding.

Franchise.

§ 5. N. 1.

Provided also that it be Enacted by the Authority aforesaid, that the Arch-Bishop of York, the Bishop of Durham, the Bishop of Ely and every of their Successors, the Chancellor of the Duchy of Lancaster for the time being, and all and every Person and Persons, Corporations and Bodies Corporated, to whom the Kings Majesty or any of his Noble Progenitors, by his or their Letters Patents or Act of Parliament, have given and granted any Liberty and Authority, or otherwise have Authority by other lawful means or ways, to ordain, make and constitute any of the said Officers of Custos Rotulorum, within any County, Palatine or other place, shall and may have and enjoy the same Liberty and Authority, according as they have had and enjoyed the same, any thing in this present Act had or made to the contrary notwithstanding.

Peace.

Cap. 5.

Treason.

§ 1. N. 2.

Forasmuch as it is most necessary in a Common-wealth to provide that Tranquility and Peace may be continued in this Realm, and that all things being contrary thereto, may by foresight be eschewed.

Therefore it is Ordained and Enacted by the King our Sovereign Lord, with the assent of the Lords and Commons of this present Parliament assembled, and by Authority of the same, that if any persons to the number of twelve or above, being assembled together at any time after the twelfth day of February next coming, shall interd, go about, practice or put in ure with force of Arms, unlawfully and of their own Authority to murder, kill, slay, take or imprison any of the Kings most honourable Privy-Counsel, or unlawfully to alter or change any Laws made or established for Religion by Authority of Parliament, or any other Laws or Statutes of this Realm or any of them, the same number of twelve or above, being commanded or required by the Sheriff of the Shire, or by any Justice of Peace of the same Shire, or by the Mayor, Sheriffs, Justices of Peace or Bailiffs of any City, Borough or Town-Corporate where any such Assembly shall be unlawfully had or made by Proclamation in the Kings Name, to retire and repair to their own Houses, Habitations or Places from whence they came, and they or any of them notwithstanding such Proclamation, shall remain, or make their abode or continue together by the space of on whole hour after such Commandment or Request made by Proclamation, or after that, shall willingly in forcible and riotous manner, attempt to do or put in ure any the things above specified, that then as well every such abode and continuing together, as every such Act or Offence, that after such Proclamation, Commandment or Request had or made, shall be attempted to be done, practiced or put in ure by any persons being of the number aforesaid, shall be judged High-Treason in all and singular those persons that so shall make their



- abode or continue together, or shall attempt or commit any such Act, and the Offenders therein, their Aiders, Abettors and Procurers, to be adjudged Traitors to the King and the Realm, and shall suffer Execution of Death as in Case of High-Treason, 1 Mar. 1. Stat. 2. Cap. 12.
- § 2. N. 1. And furthermore be it Enacted, Ordained and Established by the Authority aforesaid, that if any persons to the number of twelve or above, after the said twelfth day of February, shall intend, go about, practice or put in ure in manner and form aforesaid, to overthrow, cut, break, cast down or dig up the Pales, Hedges, Ditches or other Closure of any Parks, Park or other Grounds or Ground Inclosed, or the Banks of any Fish-Pond or Pool, or any Conduits for Water, Conduit-heads or Conduit-pipes having Course of Water, to the intent that the same or any of them from thenceforth should remain open, not inclosed or void, or unlawfully to have Common, or a Way in the said Parks, Park or other Grounds or Ground inclosed, or in any of them, or to destroy the Deer in any manner of Parks or Park, or any Warrens or Warren of Conies, or any Dove-houses, or any Fish in any Pond or Pool, or to pull or cut down any Houses, Barns, Mills or Ways, or to burn any Stacks of Corn or Grain, or to abate, defalk or diminish the Rents or yearly Value, of any Mannors, Lands or Tenements, or the Price of any Victual, Corn or Grain, or any other things usual for the sustenance of Men; and being required or commanded by any Justice of Peace, or by the Sheriff of the County, or by the Mayor, Bailiff or Bailiffs, or other Head-Officers of any Head-City or Town-Corporate where such Assembly shall be had, by Proclamation to be made in the Kings Name, to retire or return in peaceable manner to their Habitations, Places and Houses from whence they came, and they or any of them notwithstanding such Proclamation, shall remain or make their abode, or continue together by the space of one whole hour, after such Commandment or Request made by Proclamation; or after that shall in forcible manner attempt to do or put in ure, any of the things last before mentioned, that then as well every such abode or continuing together, as every such Act, that after such Proclamation, Commandment or Request had or made, shall be done, practiced or put in ure by any persons being above the number of twelve, shall be adjudged Felony, and the Offenders therein to be adjudged Felons, and shall suffer Execution as in Case of Felony, 1 Mar. 1. St. 2. Cap. 12. § 2. N. 1.
- § 2. N. 2. And every of the same persons, to lose the Benefit of his Clergy and Clergy-Sanctuary.
- § 3. N. 1. And also it is Ordained and Enacted by the Authority aforesaid, that if any person or persons after the twelfth day of February, unlawfully and without Authority by ringing of any Bell or Bells, sounding of any Drum, Trumpet, Horn or other Instrument whatsoever, or by firing of any Beacon, or by malicious speaking or uttering of any words, or making any out-cry, or by setting up or casting any Bills, Bill or Writing whatsoever, or by any other deed or act shall raise or cause to be raised or assembled, any persons to the number of twelve or above, to the intent that the same persons should commit and put in ure any of the acts or things above mentioned, and that the persons to the number of twelve or above so raised and assembled, after Commandment had or given in form aforesaid, shall make their abode, or continue together as is aforesaid, or unlawfully perpetrate, do, commit, or put in ure any of the acts or things aforesaid, that then all and singular persons by whose Speaking, Deed, Act or any other the means above specified, any persons to the number of twelve or above shall be raised or assembled for the doing, committing or putting in ure any of the acts or things above mentioned shall be adjudged for his so speaking or doing, a Felon, and shall suffer Execution of Death as in Case of Felony, 1 Mar. 1. St. 2. C. 12. § 3. N. 1.
- § 3. N. 2. And shall lose his Benefit, and Sanctuary, and Clergy.
- § 4. N. 1. And over that, it is Ordained and Enacted by the Authority aforesaid, that if any persons to the number of forty and above, after the said twelfth day of February shall be assembled together in forcible manner, unlawfully and of their own Authority, to the intent to do, exercise or put

Coron.

Riot.

Clergy.  
Treason.

put in ure any of the things above mentioned, or to do any other Trayterous Felonies or Rebellions, At or Aags, and so shall continue by the space of two hours, that then every person so being willingly assembled in forceable manner, and so continuing by the space of two hours, shall be adjudged a Traytor to the King and to the Realm, and shall suffer Execution of Death as in Case of High-Treason, 1 Mar. 1. St. 2. C. 12 § 20. N. 1.

Bar. &amp; Fem.

And also that if any Wife or Servant of any of the same persons, or any other person whatsoever, shall willingly and without Compulsion, bring, send, deliver or convey, any Money, Harnesse, Artillery, Weapon, Meat, Bread, Drink or other Victual to any person or persons so being assembled as is aforesaid, during such time as he or they shall so be assembled or be together as is aforesaid, that then every Wife, Servant or other person so bringing, sending, delivering or conveying, any Money, Harnesse, Artillery, Weapon, Meat, Bread, Drink or Victual to the same persons, so being assembled together in forceable manner, or to any of them, shall be adjudged a Traytor to the King and to the Realm, and shall suffer Execution of Death as in Case of High-Treason. 1 Mar. 1. St. 2. Cap. 12. § 4. N. 1.

§ 5. N. 1.

Forfeiture.

And furthermore it is Ordained and Enacted by the Authority above said, that every person that at any time hereafter shall be attainted of or for any of the Treasons or Treason above mentioned, shall upon his said Attainder forfeit his Goods and Cattels, Interests for term of Life, and of years, Lands, Tenements and other Hereditaments, in like manner and form as any person attainted for Felony only should or ought to forfeit by the Common Lawes of this Realm and not otherwise, that is to say, the King to have the year and day and waite of such Lands and Tenements wherof any person so attainted shall at the time of the Treason committed, or at any time after have an Estate of Fee-Simple, and also the Goods and Cattels real and personal.

§ 6. N. 1.

Franchise.

And that the Lords of whom the said Lands and Tenements or any part thereof shall be holden, to have and enjoy the Lands or Tenements holden of him or them for ever, in such the same manner and form as in Cases of Attainder of Felony at the Common-Law.

§ 6. N. 2.

Tayl.

And that every person that at any time hereafter shall be attainted of any of the Treasons aforesaid, shall forfeit the Lands and Tenements and other Hereditaments wherof he shall be seised of any Estate in Tayl, or for term of Life or Lives at the time of any such Treason committed, or at any time after, during his Life only and no longer, unless the person so attainted shall be thereof seised in his demean as of Fee at the time of the said Treason committed, or at any time after.

§ 6. N. 3.

Heir.

And that after the decease of the same person so attainted, all and singular such person and persons as should have had and enjoyed such Lands Tenements and other Hereditaments, as any person that at any time hereafter shall be attainted of or for any Treason above specified, shall fortune to be seised of any Estate in Tayl, or for term of Life at the time of any such Treason committed or at any time after, shall after the death of the same person that so shall fortune to be attainted, have and enjoy the said Lands Tenements and other Hereditaments, in like manner and form as though no such Attainder had been had, any Law or Usage to the contrary, in any wise notwithstanding.

§ 6. N. 4.

Riot.

And furthermore it is Ordained and Enacted by the Authority above said, that if any persons above the number of two and under the number of twelve, being assembled together at any time after the said twelfth day of February, shall intend, go about, practice or put in ure, with force of Arms unlawfully and of their own authority to murder, kill or slay any of the Kings Majesties Subjects, or to overthrow, cut, break, cast down or dig up the Pales, Hedges, Ditches, Wall or other Closure of any Parks, Park or other Ground inclosed, or the Bank of any Fish-Pond or Pool, to the intent that the same or any of them from henceforth should remain open, not inclosed or void, or to have Common or Way in the same Parks, Park or other Grounds or Ground inclosed, or any of them, or to destroy any manner of Parks or Park, or Fish-Pond or Pool, or any Warrens or Warren of Conies, or any Dove-houses, or to pull or cut down

§ 7. N. 1.

down any House, Barn, Mill, or to burn any Stacks of Corn or Grain, or alter, defalk or abate the Rents or yearly Value of any Mannors, Lands or Tenements of any of the Kings Subjects, or the price of any Victual, Corn or Grain, or any other things usual for the Sustainance or Apparel of Men, and being required or commanded by any Justice of the Peace, or the Sheriff of the County, or by any Mayor, Bailiffs or Bailiff, or other Head-Officer of any City or Town-Corpozate where such Assembly shall be had, by Proclamation to be made in the Kings Name, to retire or return to their Habitations, Places or Houses, and they so required by such Proclamation shall not so do, but after that shall in forcible manner in form aforesaid, attempt to do or put in ure any of the things last above mentioned, that then every of the same persons being above the number of two and under the number of twelve, shall suffer Imprisonment of his or their bodies by the space of one year without Bail or Mainprize, 1 Mar. 1. St. 2. Cap. 12. § 5. N. 1.

§ 7. N. 2. And shall make Fine and Ransom at the Kings Will and Pleasure Amerce.

§ 7. N. 3. And also that if any person or persons at any time after the twelfth day ment. of February, shall be dammified or hurt by the doing, committing or putting in ure, of any unlawful act or thing above mentioned, that then all Damages, and singular persons so dammified or hurt, shall recover and have Damages with the Costs of their Suit sustained in that behalf trebled against the Offenders therein, 1 Mar. 1. St. 2. Cap. 12. § 6. N. 1.

§ 8. N. 1. And forasmuch as such evil disposed persons which of late time made War. Commotions and Rebellion in certain places within this Realm, being but few in number at such time as they did begin the same Commotion, were not in short time after the beginning thereof suppressed by strength, for that the Kings loving Subjects for fear to incur the danger of the Laws of this Realm durst not take upon them so to do, a greater number of evil disposed persons did come and join themselves to the said small number, whereby the same evil disposed persons took upon them such boldness, that they would not be reduced to obedience without much blood shedding, to the great danger of the Kings Majesties person, where if the Kings loving Subjects durst have taken upon them to have suppressed them at the beginning, such inconvenience of blood-shed should not have followed, 1 Mar. 1. St. 2. Cap. 12. § 7. N. 1.

§ 8. N. 2. Therefore it is also Ordained and Enacted by the Authority aforesaid, that Justices, if any persons above the number of two, that at any time after the said twelfth day of February shall be unlawfully and of their own authority assembled together, to the intent with force of Arms to do, practice or put in ure any of the things above mentioned, that then it shall be lawful to every Justice of Peace, and to every Sheriff in any County being within the Kings Deminions, and to every Mayor, Bailiff and other Head-Officer of any City or Town-Corpozate for the time he shall be in Office, or any other person or persons having the Kings Commission, or Letters from his Highness or his Privy Council, as well to raise and assemble the Kings loving Subjects in manner of War, to be arrayed in such great number as he or they then shall think met or able, to the intent by Violence and Strength, to suppress, apprehend and take the said persons that so shall be unlawfully assembled, 1 Mar. 1. St. 2. Cap. 12. § 7. N. 2.

§ 8. N. 3. And that if the said persons so unlawfully assembled, after such Com- Process, mandment or Request by Proclamation or otherwise made, shall continue together and not endeavour themselves to return towards their Habitations, Houses or Places from whence they came, in such short time as they may conveniently, that then it shall be lawful to every Justice of Peace, Sheriff, and also to every Mayor, Bailiff and other Head-Officer of any City or Town-Corpozate, and to every other Person having Authority as aforesaid, after such Commandment or Request by Proclamation made, and to such persons as shall be assembled with any Justice of Peace or Sheriff, or with any Mayor, Bailiff or other Head-Officer of any City or Town-Corpozate, and with every other person having Authority as is aforesaid, to suppress, apprehend and take those persons so unlawfully assembled, which after such Request made shall continue together and not



not endeavour themselves to return towards their Habitations or Places from whence they came, 1 Mar. 1. St. 2. Cap. 12. § 7. N. 3.

Coron.

And that if the said persons so unlawfully assembled together or any of them, shall fortune to be killed, slain, maimed or hurt, in or about the suppressing or taking of them, that then every such Justice of Peace, Sheriff, Mayor, Bailiff and other Head-Officer, and every other person having Authority as is aforesaid, and all and singular persons by him or them assembled, shall be free, discharged and unpunishable, as well against the King as against all and every other person and persons, of, for or concerning the killing, slaying, maiming and hurting of any person or persons so unlawfully assembled, that shall fortune to be killed, slain, maimed or hurt, about or by occasion of suppressing or taking of them, 1 Mar. 1. St. 2. Cap. 12. § 7. N. 4.

§ 8. N. 4.

Copy-holder.

And furthermore be it Enacted by the Authority aforesaid, that all and every Copy-holder or Customary-holder, being Artificer, Husband-man or Laborer, and being of the age of eighteen years or more, and under the age of forty years, not sick, impotent, lame, maimed ne having any other just or reasonable excuse or cause to the contrary, and being required by the Sheriff, Justice or Justices of the Peace, or other having Authority by this Act, or by Commission or Letters as is aforesaid in that behalf, they declaring their said Authority, or being required by the immediate Lord or Lords of whom such Copy-holds or Customary holds then shall be holden, to serve the Kings Majesty for any the causes above rehearsed, and refuse so to do, shall only during the Life of such person or persons so refusing, forfeit and lose to his or their Lord or Lords of whom such Copy or Customary holds then shall be immediately holden and should be holden, during the Life of such person or persons so refusing, in Case he or they had not so refused, all their Copy-holds and Customary-holds, 1 Mar. 1. St. 2. Cap. 12. § 8. N. 1.

§ 9. N. 1.

Seizure.

And that it shall be lawful to every such Lord or Lords, their Heirs or Assigns of whom such Copy-holds or Customary-holds shall be immediately holden and should have been holden, in case such person or persons had not so refused, by virtue of this present Act, to enter and take into his or their Hands or Possession, all such Copy-holds and Customary-holds so holden of them or any of them immediately, and to retain the same during only the Life of every such Offender or Offenders, in such manner and form as he or they should have had the Rents or Services of such Copy-hold or Customary-hold, in Case such person or persons so refusing had not refused, 1 Mar. 1. St. 2. Cap. 12. § 8. N. 2.

§ 9. N. 2.

Forfeiture.

And that all and every Farmer being a Peoman, Husbandman, Artificer or Laborer, and being of the age of eighteen years or more, and under the age of forty years, not sick, impotent, lame, maimed ne having any other just or reasonable excuse or cause to the contrary, and being required by the Sheriff, Justice or Justices of the Peace, or other having Authority by this Act, or by Commission or Letters as is aforesaid in that behalf, they declaring their said Authority, or being required by their Land-Lord or Land-Lords for the time being, to whom the Rents of such Farms shall be then rising, coming or growing, to serve the Kings Majesty for any the Causes above rehearsed and refuse so to do, shall during only the Life of such Farmer or Farmers so refusing, forfeit and lose to such Land-Lord and Land-Lords as should have had the Rents of such Farmers, during the Life and Lives of such person or persons so refusing, all their said Farms, 1 Mar. 1. St. 2. Cap. 12. § 9. N. 1.

§ 9. N. 3.

Entrie.

And that it shall be lawful, to every such Land-Lord and Land-Lords, their Heirs and Assigns to whom the Rents of such Farms should have been due: during the Life of such person or persons so refusing, in case such person or persons had not so refused, by virtue of this present Act to enter and take into his or their Hands or Possession all such Farms, and to retain the same during only the Life of every such Offender or Offenders, 1 Mar. 1. St. 2. Cap. 12. § 9. N. 2.

§ 9. N. 4.

Heir.

Provided always, and be it Enacted by the Authority aforesaid, that after the death of every such Copy-holder, Customary-holder or Farmer, as so shall offend and forfeit any of their said Copy-holds, Customary-holds

§ 9. N. 5.

holds or farms as is aforesaid, that then all and every such person and persons as should or ought to have had the said Copp holds, Customary holds or farms, after or by the death of such Copp-holder, Customary holder or farmer, in case such Copp-holder, Customary holder or farmer had not so offended ne forfeited, shall and may have the same Copp holds, Customary holds and farms by Entrp. Action, Admission or otherwise in like Manner, Form and Condition, and by such Ways and Means as they and every of them should, might or ought to have had, if no such Forfeiture or Offence had ben had, done or committed, 1 Mar. 1. St. 2. Cap. 12. § 10. N. 1.

§ 10. N. 1. And furthermore it is Ordained and Enacted by the Authozity aforesaid, that if any person or persons after the said twelfth day of February, by open Word or Deed shall procure or stir any other person or persons, to arise or make any Traiterous or Rebellionous Assembly, to the intent to do, exercise or put in ure any of the things above mentioned, that then every person so procuring, moving or stirring any other, shall therefore be deemed and adjudged a felon, and suffer pains of Death, and forfeit his Goods, Cattels, Lands and Tenements as in Cases of Felony, 1 Mar. 1. St. 2. Cap. 12. § 19. N. 1. Coron.

§ 10. N. 2. And shall also lose the Benefit of his Clergy and Sanctuary. Clergy.

§ 11. N. 1. And also be it further Enacted by the Authozity aforesaid, that if any person or persons which at any time after the same day shall be spoken unto, moved or stirred to make any Commotion, Insurrection or unlawful Assembly for any of the intents above mentioned, and do not within twenty four hours next after he or they shall be so spoken unto, moved or stirred, unless he shall have a good and reasonable cause of excuse, declare the same to one Justice of Peace or Sheriff of the said County, or to the Mayor, Sheriffs, Bailiff or Bailiffs or other head-Officer of any City or Town-Corporate where such speaking, motion or stirring shall be had, shall suffer Imprisonment until he shall be discharged by three Justices of Peace of the same Shire where the Offence shall be, whereof one of the said Justices shall be of the Quorum, 1 Mar. 1. Stat. 2. Cap. 12. § 11. N. 1. Imprisonment.

§ 12. N. 1. And it is Ordained and Enacted by the Authozity abovesaid, that if any person or persons being above the age of eighteen years and under the age of forty years, being able to serve and not sick, lame or impotent, shall be required by any Justice of the Peace, or any Sheriff of any County where any such Assembly shall be, or by any Mayor, Bailiff or other Head-Officer of any City, Borough or Town-Corporate, or by any other by the Commandment of any such Justice of Peace, Sheriff, Mayor, Bailiff or other Head-Officer to go with him or them to suppress the persons unlawfully assembled in manner and form aforesaid, that then every person so being able and required, do willingly and obstinately refuse so to do, shall suffer Imprisonment of his Body for one year without Bail or Mainprize, 1 Mar. 1. Stat. 2. Cap. 12. § 12. N. 1. Imprisonment.

§ 12. N. 2. And make fine and ransom, at the Kings Will and Pleasure. Amerce-

§ 13. N. 1. Provided always, and be it Enacted by the Authozity aforesaid, that if the King shall by his Letters Patents make any Lieutenant in any County or Counties of this Realm for the suppressing of any Commotion, Rebellion or unlawful Assembly, that then all Justices of Peace of every such County, and the Sheriffs and Sheriff of the same, as all Mayors, Bailiffs and other Head-Officers, and all Inhabitants and Subjects of any County, City, Borough or Town-Corporate within every such County shall upon the Declaration of the said Letters Patents and Request made, be bound to give attendance upon the same Lieutenant, to suppress any Commotion, Rebellion or unlawful Assembly, unless he or they being so required have any reasonable excuse for his not attendance, upon pain of Imprisonment of one whole year, 1 Mar. 1. St. 2. Cap. 12. § 13. N. 1. Amercements.  
War.

§ 14. N. 1. And be it further Enacted by the Authozity aforesaid, that the Order and Form of the Proclamations that shall be made by the Authozity of this Act, shall be as hereafter followeth, or with the like order and words in Notice.

- in effect, that is to say, the Justice or other person Authorized by this Act to make the said Proclamation. shall make or cause to be made in Oyes, and after that shall openly pronounce or cause to be pronounced, these words or the like in effect, 1 Mar. 1. St. 2. Cap. 12. § 14. N. 1.
- Peace. The King our Sovereign Lord, chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the Pains contained in the Act lately made against unlawful and rebellious Assemblies, and God save the King, 1 Mar. 1. St. 2. Cap. 12. § 14. N. 1. § 14. N. 2.
- Forfeiture. Provided always, and be it Enacted by the Authority aforesaid, that if any person or persons do or shall molest, let, hinder or hurt any person or persons that shall proclaim or go to proclaim, according to the Proclamation and Order made in the Statute aforesaid, whereby such Proclamation shall not be made, that then all and every such person and persons so molesting, letting, hindring or hurting, and all and every such person and persons, Offender or Offenders to whom any such Proclamation or Proclamations should or ought to be made to the intent aforesaid, shall incur and be in like Danger, and suffer like Pain or Pains and forfeitures as aforesaid, in every of their Degrees, as though the Proclamation had been made, any Clause, Article or Sentence heretofore in this Act included made to the contrary notwithstanding, 1 Mar. 1. St. 2. Cap. 12. § 15. N. 1. § 15. N. 1.
- Days. And be it Enacted by the Authority aforesaid, that this Act shall be openly read at every Quarter Sessions, 1 Mar. 1. St. 2. Cap. 12. § 16. N. 1. § 15. N. 2.
- Franchise. Saving to the Bishop of Durham, and Bishop of Ely, and all other that have Charter of the County Palatine, and to their Successors the year, day and waste, in such sort as by the said Charter they had or ought to have had the same, if this Act had never been had ne made, this Act or any thing therein contained to the contrary notwithstanding, 1 Mar. 1. St. 2. Cap. 12. § 17. N. 1. § 15. N. 3.
- Forfeiture. Saving also to all and every person and persons and Heirs in Tail, Bodies Politick and Corporate their Heirs, Successors and Executors and to every of them, other than to such person and persons only as shall be attainted, convicted or outlawed for any of the aforesaid Offences of Felony or Treason, and their Heirs or the Heirs of any of them claiming by descent in Fee-simple from them or any of them, all such Right, Title, Entry, Interest, Leases, Possessions, Rents, Conditions, Profits, Commodities and Advantages, as they or any of them hath, or hereafter shall have: or of right ought to have, in or to any Honours, Castles, Mannors, Lands, Tenements, Woods, Rents, Reversions, Services or Hereditaments whatsoever, or in or to any part or parcel thereof, to be forfeited for any of the Offences aforesaid, as if such attainder or Forfeiture had never been had ne made, any thing in this Act to the contrary in any wise notwithstanding.
- Corporation. And Saving to every Body and Bodies Politick and Corporate, and their Successors, their Liberties and Franchises in such manner and form, as if this Act had never been had ne made, 1 Mar. 1. St. 2. Cap. 12. § 18. N. 1. § 15. N. 5.
- Days. This Act to continue to the end of the next Parliament, 1 Mar. 1. St. 2. Cap. 12. § 23. N. 1. § 15. N. 6.
- Pope. And for better Execution of the same Act, (viz. of destroying Popish Books and Images) be it Enacted, &c. that as well Justices of Assize in their Circuits, as Justices of Peace within the limits of their Commission in the general Sessions, shall have full Power and Authority to inquire of the Offences aforesaid, and to hear and determine the same in such form as they may do in other such like Cases.
- Religion. And, &c. it is now further Enacted, that if any person, &c. shall, &c. willingly or wittingly, hear and be present at any other manner or form of Common prayer or Administration of the Sacraments, of making



of Ministers in the Churches, or of any other Rights contained in that Book annexed to this Act ( viz. 3 & 4 Ed. 6. Cap. 12. ) than is mentioned and set forth in the said Book, or is contrary to the form of sundry Provisions, &c. 2 & 3 Ed. 6. Cap. 1. ) and shall be thereof convicted according to the Laws of this Realm, before, &c. Justices of Peace in their Sessions, &c. by the Verdict of twelve men, or by his or their own Confession or otherwise, shall for the first Offence suffer Imprisonment of six Months, &c.

- C. 4. § 3. N. 1. And also it is Enacted, &c. that if any person, &c. shall maliciously Church.  
strike any Person with any Weapon, in any Church or Church-Yard, or, &c. shall draw any Weapon in any Church or Church-Yard to the intent to strike another with the same Weapon, that then every such person so offending and thereof being convicted by verdict of twelve men, or by his own confession, or by two lawful Witnesses before the Justices of Assize, Justices of Oyer and Terminer, or Justices of Peace in their Sessions, by force of this Act shall be adjudged by the same Justices before whom such person shall be convicted, to have one of his Ears cut off.
- C. 14. § 10. N. 1. Be it also further Enacted, &c. that the Justices of Peace in every Market O.  
County within this Realm, or Wales at their Quarter Sessions, shall have full Power, &c. to inquire, hear and determine all and every the Defaults and Offences perpetrated, &c. contrary to this Act, ( viz. of Foretelling, Regrating, &c. ) within the County where any such Sessions shall be kept, by Inquisition, Presentment, Bill or Information before them exhibited, and by Examination of two lawful Witnesses, or by any of the same ways or means by the discretion of the said Justices.
- §. 10. N. 2. And to make Process thereupon as though they were Indicted Process.  
before them, by Inquisition or by Verdict of twelve men or more.
- § 10. N. 3. And upon the Conviction of the Offender by Information or Suit of Execution.  
any other than the King, to make Extracts of the one moiety of the forfeitures to be leved to the Kings Use, as they use to do of other fines, Issues and Amercements grown in the Sessions of the Peace.
- § 10. N. 4. And to award Execution of the other moiety for the Complainant or Forfeiture.  
Informers against the Offender by Fieri fa. or Capias as the Kings Justices at Westminster may do and use to do.
- § 10. N. 5. And if any such Conviction or Attainder shall hereafter happen to be Indictment.  
at the Kings Suit only, that then the whole forfeitures to be extracted and leved to the Kings use only.
- § 17 N. 1. Provided always that such Licence of Justices of Peace, ( viz. of Licence.  
Drover, &c. ) shall not endure above one year, unless the same be yearly renewed by so many Justices, viz. three at the least.
- C. 21. § 1. N. 3. And that, ( viz. Tinkers, Pedlers, &c. by Licence only to sell, &c. ) in Market O.  
such Circuit or Comports as shall be to him, &c. assigned by two Justices of the Peace or more of the Shire where he or they shall dwell, by Writing under their Hands and Seals, 1 Jac. 25. § 42. N. 1.
- § 1. N. 4. Upon Pain that every person which shall offend, &c. shall by any Poor,  
Justice of Peace where the same shall be committed upon Complaint and due Proof had by Witness or otherwise, be imprisoned by the space of fourteen days at the least.
- C. 24. § 5. N. 1. And be it further Enacted, &c. that if the Mayor, Recorder, Steward Drapery.  
or ( viz. two ) Justices of the Peace of the said City ( viz. Norwich ) for the time being, or any of them, shall take any Sum of Money or Reward for admitting of any person to occupy or use any of the Arts or Mysteries, &c. ( viz. of making Thrummed Hats, Dornicks or Coverletts ) that for every such Time and every such Case, the person so offending shall forfeit five Pounds, &c.
- C. 25. It is therefore Enacted, &c. ( viz. for Increase of Disorders, &c. ) that the Ale.  
Justices of Peace within every Shire, City, Borough, Town-Corporate Franchise or Liberty within this Realm or two of them at the least, whereof one to be of the Quorum, shall have full Power, &c. within every Shire, &c. where

where they be Justices of Peace to remove, discharge and put away common selling of Ale and Beer in the said common Ale houses and Tipling-houses in such Town, &c. and Places where they shall think meet and convenient.

- Licence.** And that none, &c. shall be admitted or suffered to keep any common Ale-house or Tipling-house, but such as shall be thereunto admitted and allowed in the open Sessions of the Peace, or else by two Justices of the Peace whereof one to be of the Quorum. § 1. N. 3.
- Recognizance.** And that the said Justices of the Peace or two of them, whereof one to be of the Quorum, shall take Bond and Surety from time to time by Recognizance, of such as shall be admitted and allowed hereafter to keep any common Ale-house or Tipling-house, as well for and against the using of unlawful Games, as also for the using and maintenance of good Order and Rule to be had and used within the same, as by their discretion shall be thought necessary and convenient. § 1. N. 4.
- Certificate.** And the said Justices shall certify the same Recognizance at the next Quarter Sessions of the Peace to be holden within the same Shire, &c. where such Ale-house or Tipling-house shall be. § 2. N. 1.
- Records.** The same Recognizance there to remain of Record before the Justices of Peace of that Shire, &c. § 2. N. 2.
- Forfeiture.** Upon pain of Forfeiture to the King for every such Recognizance taken and not certified, three pounds six shillings and eight pence. § 2. N. 3.
- Justices.** And it is further Enacted, &c. that the Justices of Peace of every Shire, &c. where such Recognizance shall be taken, shall have Power, &c. in their Quarter Sessions of the Peace, by Presentment, Information or otherwise by their discretion to enquire of all such persons as shall be admitted and allowed to keep any Ale-house or Tipling-house, and that be bound by Recognizance, &c. if they or any of them have done any act or acts whereby they or any of them have forfeited the same Recognizance. § 3. N. 1.
- Process.** And the said Justices of every Shire and Places where they be Justices, shall upon every such Presentment or Information, award Process against every such person so presented or complained upon before them, to shew why he should not forfeit his Recognizance, § 3. N. 2.
- Justices.** And shall have Power, &c. to hear and determine the same by all ways and means as by their discretion shall be thought good. § 3. N. 3.
- Imprisonment.** And it is further Enacted, &c. that if any person, &c. other than such as shall be hereafter admitted or allowed by the said Justices, shall, &c. obstinately and upon his own Authority take upon him, &c. to keep a common Ale-house, &c. or shall contrary to the Commandment of the said Justices or two of them, use commonly selling of Ale and Beer, that then the said Justices of Peace or two of them, whereof one to be of the Quorum, shall for every such Offence commit every such person, &c. to the Common Goal, &c. there to remain without Bail or Mainprize by the space of three days, 3 Car. 1. Cap. 3. (4) § 1. N. 6.
- Certificate.** And the said Justices shall make Certificate of every such Recognizance and Offence at the next Quarter Sessions, &c. where the same shall be committed or done. § 5. N. 1.
- Process.** Which Certificate shall be a sufficient Conviction in Law of the same Offence. § 5. N. 2.
- Execution.** And the said Justices of Peace upon the said Certificate made, shall in open Sessions assess the fine for every such Offence at twenty shillings. § 5. N. 3.
- Wine.** For that it shall be lawful to any person, &c. to keep any Tavern, or to sell or utter any Wine by Retail, &c. in any City, Borough, Port, Town or Market-Town not Corporate, within the Realm of England or Wales, or in the said Towns of Gravesend, Sittingborn or Bagthor, but only such person, &c. as thereto shall be assigned, &c. by all or most part of the Justices of Peace for the time being of such Shire or County where such Tavern or selling of Wine by Retail shall be had or allowed, as shall be present at the general Sessions for the time being to be holden in every of the said Shires or Counties, 12 Car. 2. Cap. 25.

7 Ed. 6. C. 5.  
§ 3. N. 1.

- § 3. N. 7. The said Assignment, &c. to be had and made in full Session by Licence, writing under the several Seals of every of the said Justices, and to be continued, altered or changed, &c. ( viz. at the pleasure of the Majority.
- § 6. N. 1. And it is further Enacted, &c. that the Justices of Peace of every Justices, Shire or County City and Town-Corporate in their several Sessions, and the Stewards in every Tret, and the Sheriff in his Turn, and every Escheator shall have full Power, &c. to inquire by the Oaths of twelve men, of all and every Offence and Offences perpetrated or done, contrary to the form of this Act.
- C. 11. § 11. N. 4. And be it further Enacted, &c. ( viz. because good and beneficial ) that Coron. all &c. the said several Acts, &c. ( viz. 3 & 4 Ed. 6. 5. Of Riots, &c. ) and all Clauses, &c. shall be revived, &c. until the last day of the next Parliament.
- 1 Mar. 1. St. 2. And that the said Justice of Peace ( viz. before whom any is brought for Religion, C. 3. § 5. N. 2. disturbing Preacher, breaking Altar &c. ) upon due Examination thereupon had and made by the Apprehendor, &c. or other person, &c. of any of the said persons, &c. ) so offending, forthwith shall commit the said person, &c. so apprehended to safe keeping, &c. as by the discretion of the said Justice shall be thought most meet and convenient.
- § 5. N. 3. And that within six days next and immediately after the said Accu- Process. sation so had and made to the said Justice, the said Justice with one other Justice of the said Shire, City, Borough, Liberty or Town-Corporate, shall diligently examin the act or acts offence or offences aforesaid.
- Cap. 8. Where in one Act of Parliament, &c. ( viz. 1 Ed. 6. 7. § 4. N. 1. ) It Dignity. is Ordained, &c. that albeit any person or persons being Justice of Assize, Justice of Goal-delivery or Justice of Peace within any of the Kings Dominions, or being in any other of the Kings Commissions whatsoever, shall fortune to be made Duke, Arch-Bishop, Marquis, Earl, Viscount, Baron, Bishop, Knight, Justice of the one Bench or of the other, or Serjeant at the Law, or Sheriff, yet that notwithstanding he and they should remain Justice and Commissioner, and have full Power and Authority to execute the same, in like manner and form as he or they might and ought to have done before the same, as in the said Act more plainly appears.
- § 1 N. 2. Sithence the making of which Act, ( viz. 1 Ed. 6. 7. § 4. N. 1. ) divers persons being in the Commission of the Peace in one County, have been made Sheriffs of the same County, and have exercised either of the said Offices, which seemeth not to be convenient. Sheriffs.
- § 2. N. 1. Wherefore be it Enacted; &c. that no manner of person or persons having, using or exercising the Office of the Sheriff of any County or Counties, shall use or exercise the Office of Justice of Peace by force of any Commission or otherwise, in any County or Counties where he or they shall be Sheriff, during the time only that he or they shall use or exercise the said Office of Sheriff-wick, any thing in the said former Act ( viz. 1 Ed. 6. 7. § 4. N. 1. ) to the contrary in any wise notwithstanding. Abatement.
- § 2. N. 2. And that all and every act and acts to be done by any such Sheriff and Sheriff. Sheriffs, by Authority of any Commission of the Peace during the time aforesaid, shall be void and of none effect, the said former Act ( viz. 1 Ed. 6. 7. § 4. N. 1. ) notwithstanding.
- Cap. 12. Forasmuch as it is most necessary in a Common-wealth to provide that Peace. Tranquility and Peace may be continued in the Realm, and that all things being contrary thereunto may by foresight be eschewed, 3 & 4 Ed. 6. 5.
- § 1. N. 2. Therefore it is Ordained and Enacted, &c. that if any persons to the Riot. number of twelve or above, being assembled together at any time after the twentieth day of December next coming, shall intend, go about, practice or put in ure, with force of Arms unlawfully and of their own Authority, to alter or change any Laws made or established by Authority of Parliament, which shall stand in force after the said twentieth day of December, or any other Laws or Statutes of this Realm or any of them, the same



same number of twelve or above being commanded or requested by the Sheriff of the Shire, or by any Justice of Peace of the same Shire, or by the Mayor, Sheriff, Justices of Peace or Bailiff of any City, Borough or Town-Corporate where any such Assembly shall be unlawfully had or made, by Proclamation in the Queens Name, to retire and repair to their own Houses, Habitations or Places from whence they came, and they or any of them notwithstanding such Proclamation shall remain and make their abode, or commune together by the space of one whole hour after such Commandment or Request made by Proclamation, or after that shall willingly in forcible and riotous manner attempt to do or put in ure any of the things above specified, that then as well every such abode or continuing together, as every such act or offence that after such Commandment or Request by Proclamation had or made shall be attempted to be done, practised or put in ure by any persons being of the number aforesaid, shall be adjudged Felony in all and singular those persons that so shall make their abode or continue together, or shall attempt or commit any such act, and the Offenders therein to be adjudged felons, and shall suffer only execution of Death, as in Case of Felony, 3 & 4 Ed. 6. 5. § 1. N. 2.

Coron.

And furthermore it is Enacted, Ordained and Established by Authority aforesaid, that if any persons to the said number of twelve or above after the said twentieth day of December shall intend, go about, practice or put in ure in manner and form aforesaid, to overthrow, cut, break, call down or dig up the Pales, Hedges, Ditches or other Inclosure of any Parks, Park or other Ground or Grounds inclosed, or the Banks of any Fish-Pond or Pool, or any Conduits of water, Conduit-heads or Conduit-pipes having course of water, to the intent that the same or any of them from henceforth should remain open and unclosed or void, or unlawfully to have Common or Way in the said Parks or Park, or other Grounds or Ground inclosed or any of them, or to destroy in manner and form aforesaid, the Deer of any manner of Parks or Park, or any Warrens or Warren of Conies, or any Dove-houses, or any fish in any Fish-Pond or Pool, or to pull or cut down any Houses, Barns, Mills or Dams, or to burn any Stacks of Corn or Grain, or to abate, defalk or diminish the Rents or yearly Value of any Mannors, Lands or Tenements, or the Price of any Victual, Corn or Grain, or any other thing usual for the Sustainance of Men, and being required or commanded by any Justice of Peace, or by the Sheriff of the County, or by the Mayor, Bailiff or Bailiffs, or other Head-Officers of any City or Town-Corporate where such Assembly shall be had, by Proclamation to be made in the Queens Name, to retire or return in Peaceable manner to their Habitations, Places and Houses from whence they came, and they or any of them notwithstanding such Proclamation shall remain, or make their abode or continuance together by the space of one whole hour after such Commandment or Request made by Proclamation, or after that shall in forcible manner do or put in ure any of the things last before mentioned, that then as well every such abode and continuing together, as every such act that after such Commandment or Request by Proclamation had or made shall be done, practised or put in ure, by any persons being above the number of twelve, shall be adjudged Felony, and the Offenders therein to be adjudged felons, and shall suffer only the Execution of Death as in Case of Felony, 3 & 4 Ed. 6. 5. § 2. N. 1. &c.

§ 2. N. 1.

Notice.

Provided always and be it Enacted, &c. that if any person or persons, do or shall molest, let, hinder or hurt any person or persons that shall proclaim or go to proclaim, according to the Proclamation and Order made in the Statute aforesaid, whereby such Proclamation shall not be made, that then all and every such person and persons so molesting, letting, hindring or hurting, and having knowledge of his Message, shall incur and be in such Danger, and suffer such Pain or Pains and Forfeitures, as the persons assembled to whom the Proclamation should have been made, should by this Act incur for not obeying the Proclamation if it had been made, or for doing after the Proclamation of any the things before in this Act expressed, 3 & 4 Ed. 6. 5. § 15. N. 1.

§ 15. N. 1.

And

- § 15. N. 2. And that also all and every such person and persons being assembled to the number aforesaid, to attempt or do any of the things aforesaid, to whom Proclamation should or ought to have been made if the same had not been letted as is aforesaid, shall likewise in case they do afterwards commit, put inure and do any of the things aforesaid, having any manner of ways knowledge of the let so made, or by any means procuring the same let, incur and be in danger, and suffer like Pain or Pains and Forfeitures aforesaid, in every their degrees as though the Proclamation had been made, any Clause, Article or Sentence heretofore in this Act enclosed, made to the contrary notwithstanding.
- § 17. N. 1. Provided always, and be it Enacted by the Authority aforesaid, that all and every the Heir and Heirs of all and every the Offender and Offenders in any the Cases aforesaid, and all and every person and persons, Bodies Politick and Corporate, their Heirs, Successors and Executors and every of them, other than such person and persons only as shall be attainted, convicted or outlawed of any the aforesaid Offences of felony, shall have, hold and enjoy all such Right, Title, Entry, Interest, Leases, Possession, Rents, Conditions, Profits, Commodities and Advantages, as they or any of them have, or hereafter shall have, or of right ought to have in or to any Honors, Castles, Mannors, Lands, Tenements, Woods, Rents, Reversions, Services or Hereditaments whatsoever, in or to any part or parcel thereof, in as large and ample manner and form, to all Intents, Constructions and Purposes, as if such Attainder had been had ne made, any thing in this Act to the contrary, in any wise notwithstanding.
- § 21. N. 1. And be it further Enacted by the said Authority, that no Lieutenant War. or Lieutenants that shall be appointed or made by Authority or Colour of this Act, or for to execute this Act, shall in any wise make, put or constitute under him or them, or in his or their place any Deputy or Deputies, nor shall call, convent or appoint to appear before him or them by the only Authority of Lieutenantcy, or of Commission of Lieutenantcy, any person or persons for any Cause or Matter whatsoever, save only for the Causes and Matters expressed in this present Act, and for none other.
- § 22. N. 1. And that no person or persons shall be put to any Loss, Forfeiture, Accessary. Pain or Punishment of Life, Lands or Goods as Necessary to any person or persons that shall commit any of the Offences contained in this present Act, for receiving, comforting or aiding of any such Offender after such Act committed or done.
- § 22. N. 2. And that no Attainder or Conviction of any person or persons, for any Heir. Offence or Offences herein contained, shall be any manner of Corruption of Blood between the Offender and any of his Ancestors, or such person and persons as should have been Heir to such Offender, if no such Attainder or Conviction had been had.
- § 22. N. 3. Saving to all and every Person and Persons, Body and Bodies Politick and Corporate and their Successors, their Liberties and Franchises, in such manner and form as if this Act had never been had ne made.
- § 23. N. 1. And be it further Enacted by the said Authority, that one Act, (viz. 3 & 4 Ed. 6. 5.) &c. and all and every Branch, Clause, Sentence and Article therein contained, shall be from the twentieth day of December next coming utterly void and of no force, to all Intents, Constructions and Purposes.
- § 23. N. 2. And this Act only to be put in Execution for and concerning the Offences mentioned in the said former Act, (viz. 3 & 4 Ed. 6. 5.)
- § 23. N. 3. This Act to continue unto the end of the next Parliament, 1 Mar. 1. Days. St. 2. Cap. 12. & 1 Eliz. 16.

## Statuta Ph. &amp; Mar.

**Riot.** **B**E it therefore Enacted, &c. (viz. because good and beneficial) that all, <sup>1 Mar. 1. St. 3.</sup> &c. the said several Acts, &c. (viz. 1 Mar. 1. St. 2. Cap. 12. &c.) and all <sup>C. 12. § 12 N. 2.</sup> Clauses, &c. shall be revived, &c. until the last day of the next Parliament, 1 & 2 Phil. & Mar. Cap. 16. § 1. N. 15

**Slander.** And be it also Enacted, &c. that all Justices of Oyer and Terminer, <sup>1 & 2 Ph. & Mar. Cap. 3. § 7. N. 1.</sup> &c. Justices of Assize, &c. Justices of Goal-delivery and Justices of Peace, as well within the Liberties as without, within the limits of their several Commissions in their several Sessions or other Sessions which they or two of them, whereof one of them to be of the Quorum, may and shall appoint at their pleasure where and when need shall require, and shall by virtue hereof have full Power, &c. to inquire, hear and determine all and every the Offences, &c. (viz. of false News) aforesaid, as in Cases of Trespas of Felony.

**Corn.** And for the better Execution of this Act, (viz. against Transporting Wheat, Barley, Rye or other Corn, Malt, Beer, Butter, Cheese, Herring, Victual or Wood, &c. be it further Enacted, &c. that all and singular Justices of the Peace as well within the Liberties as without, within their several Authorities and Commissions at any time within three years next after such Offences committed, shall have full Power and Authority to inquire, as well by the Oaths of twelve lawful men, as also to hear and examine the Master, Masters and Mariners of the said Ships, Crews and other Vessels, and all and every other person and persons of all and singular the Offences against this present Act, and to hear and determine the same Offences as they may and ought to hear and determine any other Trespas or Offences.

**Bail.** Where in the Parliament, &c. viz. (3 H. 7. Cap. 3. § 1 N. 3.) it was amongst other things Ordained and Enacted, that no Prisoner arrested for Felony should be letten to Bail or Mainprize by any one Justice of Peace, but by the whole Justices, or at least by two of them whereof one to be of the Quorum.

**Justices.** Since the making of which Statute, (viz. 3 H. 7. Cap. 3. § 1. N. 3.) one Justice of Peace in the name of himself and one other of the Justices his Companion, not making the said Justice party nor privy unto the Case wherefore the Prisoner should be Bailed, hath often times by sinister labor and means, let at large the greatest and notablest Offenders, such as be not replevisable by the Laws of this Realm.

**Certificate.** And yet the rather to hide their Affections in that behalf, have signified the Cause of their Apprehension to be but only for Suspicion of Felony, whereby the said Offenders have escaped unpunished, and do daily to the high displeasure of Almighty God, the great peril of the King and Queens true Subjects, and encouragement of all Thieves and Evil-Doers.

**Joynder.** For Reformation whereof, be it Ordained and Enacted by the King and Queens Majesties, the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, that from and after the first day of April next coming, no Justice or Justices of Peace, shall let to Bail or Mainprize any such person or persons which for any Offence or Offences by them or any of them committed, be declared not to be replevisable or Bailed, or be for-bidden to be replevisable or Bailed by the Statute of Westminster, 1 &c. (viz. 3 Ed. 1. Cap. 15.)

**Coron.** And furthermore that any person or persons Arrested for Manslaughter or Felony, or Suspicion of Manslaughter or Felony being Bailable by the Law, shall not after the first day of April be let to Bail or Mainprize by any Justices of Peace, if it be not in open Sessions, except it be by two Justices of Peace at the least, whereof one to be of the Quorum, and the same Justices to be present together at the time of the said Bailment or Mainprize.



- § 3. N. 2. Which Bailment or Mainprize, they shall certify in Writing, subscribed or signed with their own Hands at the next general Goal-delivery to be holden within the County where the said person or persons shall be arrested or suspected. Certificate.
- § 4. N. 1. And that the said Justices or one of them being of the Quorum, when any such Prisoner is brought before them for any Manslaughter or Felony before any Bailment or Mainprize, shall take the Examination of the said Prisoner, and Information of them that bring him of the Fact and Circumstances thereof, and the same or as much thereof as shall be material to prove the Felony, shall put in Writing before they make the same Bailment, 2 & 3 Ph. & Mar. Cap. 10. Proof.
- § 4. N. 2. Which said Examination together with the said Bailment, the said Justices shall certify at the next general Goal-delivery to be holden within the limits of their Commission, 2 & 3 Ph. & Mar. Cap. 10. § 1. N. 2. Certificate.
- § 5. N. 1. And that every Coroner upon any Inquisition before him found whereby any person or persons shall be Indicted for Murder or Manslaughter, or as Accessary or Accessories to the same before the Murder or Manslaughter committed, shall put in Writing the effect of the Evidence given to the Jury before him being material. Inquest.
- § 5. N. 2. And as well the said Justices as the said Coroner, shall have Authority by this Act, to bind all such by Recognizance or Obligation as do declare any thing material to prove the said Murder or Manslaughter, Offences or Felonies, or to be Accessary or Accessories to the same as is aforesaid, to appear at the next general Goal-delivery to be holden within the County, City or Town Corporate where the Trial thereof shall be, then and there to give Evidence against the Party so Indicted at the time of his Trial, 2 & 3 Ph. & Mar. Cap. 10. § 2. N. 4. Recognizance.
- § 5. N. 3. And shall certify as well the same Evidence, as such Bond or Bonds in Writing as he shall take, together with the Inquisition or Indictment before him taken and found, at or before the time of his said Trial thereof to be had or made, 2 & 3 Ph. & Mar. Cap. 10. § 2. N. 5. Certificate.
- § 5. N. 4. And likewise the said Justices shall certify all and every such Bond taken before them, in like manner as before is said of Bailment and Examination. Bail.
- § 5. N. 5. And in Case any Justice of Peace of Quorum or Coroner, shall after the first day of April offend in any thing contrary to the true intent and meaning of this present Act, that then the Justices of Goal-delivery of the Shire, City, Town or Place where such Offence shall happen to be committed, upon due Proof thereof by Examination before them, shall for every such Offence let such Fine on every of the same Justices of Peace and Coroner, as the same Justices of Goal-delivery, shall think meet, and as great the same as other Fines and Amercements assessed before Justices of Goal-delivery ought to be. Justices.
- § 6. N. 1. Provided always, and be it further Enacted by the Authority aforesaid that Justices of Peace and Coroners within the City of London and the County of Middlesex, and in other Cities, Boroughs and Towns Corporate within this Realm and Wales, shall within their several Jurisdictions have Authority to let to Bail felons and Prisoners, in such manner and form as they have been heretofore accustomed, this Act or any thing therein contained to the contrary notwithstanding. Corporation.
- § 6. N. 2. And also shall take Examinations and Bonds as is aforesaid, upon every Bailment by them or any of them to be made. Proof.
- § 6. N. 3. And shall certify every such Bailments, Bonds and Examinations by them or any of them taken or made, at the next Goal-delivery to be holden within the Shire, City, Borough or Town where their several Jurisdictions extendeth, upon like Pain and Forfeiture as is before limited in this present Act. Certificate.
- § 7. N. 1. And be it also Enacted, &c. that no Writs of Habeas Corpus or Certiorari shall be hereafter granted to remove any Prisoner out of any Goal, or to remove any Recognizance, except the same Writs be signed with the proper hands of the Chief Justices, or in his absence one of the Justices of Certiorari.

- of the Court, out of which the same Writs shall be awarded or made.
- Officer.** Upon Pain, that he that writeth any such Writs not being signed as is aforesaid, to forfeit to our Sovereign Lord the King and the Queen, for every such Writs five pounds. § 7. N. 2.
- Riot.** Be it therefore Enacted, &c. ( viz. because good and beneficial ) that all, &c. the several Acts, &c. ( viz. 1 Mar. 1. St. 2. Cap. 12. &c. of Riots and all Clauses, &c. shall be revived, &c. until the last day of the next Parliament, 2 & 3 Ph. & Mar. Cap. 21. § 10. N. 2. C. 15. N. 15.
- Husbandry.** The one half of which said forfeitures ( viz. twenty shillings a month, that one Cow is not kept for every threescore Shere-sheep, and one Calf for every six score ) shall be to the use of, &c. the King and Queens Majesties, and the other half to the use of the Party that within one year after the Offence committed will sue for the same, in any, &c. Courts of Record, or before the Justices of Peace in the same Shire where any such Cause of Forfeiture shall be had, at the general Sessions, who by Authority of this Act, shall have Power to hear and determine the said Offences by Bill, Information, Presentment, Action of Debt or Detinue, in which Action or Suit no Essoyn, Protection, Wager of Law or Licence to the contrary shall be allowed. 2 & 3 Ph. & Mar. Cap. 3. § 3. N. 2.
- Cattle.** And be it Enacted, &c. that the Justices of Peace of every Place and County as well within Liberties as without, shall have Authority in their Sessions within the limits of their Authority and Commission, to inquire, hear and determine all Offences against this Statute ( viz. of selling Horses, Geldings, Mares and Colts in Fairs and Markets Overt ) as they may do any other matter tryable before them. C. 7. § 7. N. 1.
- Ways.** And in default of such Inquiry or Presentment, ( viz. in Leet of not amending High-ways, &c. the Justices of Peace for every Place or County, shall have Authority to inquire of the same, the Offences which shall be committed within the limits of their Commission at every their Quarter Sessions, and to assess such Fines therefore as they or two of them, whereof one to be of the Quorum, shall think meet. C. 8. § 2. N. 10.
- Account.** And the said Church-wardens shall have Authority to call the said Bailiff and Head-Constable to Account before the Justices of Peace or two of them whereof one to be of the Quorum, by Bill, Information or otherwise. § 4. N. 2.
- Bail.** And soasmuch as the said Act ( viz. 1 & 2 Ph. & Mar. Cap. 13. § 4. N. 1. ) doth not extend to such Prisoners as shall be brought before any Justice of Peace for Manslaughter or Felony, and by such Justice shall be committed to Ward for the Suspicion of such Manslaughter or Felony and not Bailed, in which Case Examination of such Prisoner and of such as bring him, is as necessary or rather more, than where such Prisoner shall be let to Bail or Mainprize. C. 10. § 2. N. 1.
- Proof.** Be it ther efore Enacted, &c. that from henceforth such Justice or Justices before whom any person shall be brought for Manslaughter or Felony, or for Suspicion thereof, before he or they shall commit or send such Prisoner to Ward, shall take the Examination of such Prisoner, and Information of those that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in Writing within two days after the said Examination. § 2. N. 2.
- Certificate.** And the same shall certify in such manner and form, and at such time as they should and ought to do, if such Prisoner so committed or sent to Ward had been Bailed or let to Mainprize, upon such Pain as in the said former Act viz. 1 & 2 Ph. & Mar. Cap. 13. § 5. N. 5. ) is limited and appointed for not taking, or not certifying such Examinations, as in the said former Act is expressed. § 2. N. 3.
- Recognizance.** And be it further Enacted, that the said Justices shall have Authority by this Act, to bind all such by Recognizance or Obligation, as do declare any thing material to prove the said Manslaughter or Felony, against such Prisoner as shall be so committed to Ward, to appear at the next general Goal delivery to be holden within the County, City or Town Corporate where the Tryal of the said Manslaughter or Felony shall be, then and there to give Evidence against the Party. § 2. N. 4.

§ 2. N. 5. And that the said Justices shall certify the said Bonds taken before Certificate, them, in like manner as they should and ought to certify the Bonds mentioned in the said former Act ( viz. 1 & 2 Ph. & Mar. Cap. 13. § 5. N. 3. ) upon Pain, as in the said former Act is mentioned for not certifying such Bonds as by the said former Act is limited and appointed to be certified.

C. p. 18. Where the King and Queens most Excellent Highness, and their Noble Coporation, Progenitors Kings of this Realm, have heretofore granted their several Commissions directed as well unto the Mayors, Recorders and other Grave Men and Inhabitants, of certain Ancient and Famous Cities and Towns-Corporate within this Realm of England not being Counties in themselves, as also unto divers other worshipful and learned men dwelling out of the same Cities and Towns-Corporate, as well for the keeping of their Peace, good ordering of their People and executing of their Laws and Statutes within the same Cities and Towns-Corporate, as also for the Delivery of their Majesties Prisoners remaining in the Goals there, and after the granting of such Commissions their Majesties have granted divers other like Commissions unto certain worshipful and learned men of the Shires, Laths, Rapes, Ridings and Wapentakes of this Realm of England for the Confirmation of their Peace, and also delivering of their Prisoners remaining in their Goals within the same Shires, Laths, Rapes, Ridings and Wapentakes.

§ 1. N. 2. Which Commissions so bearing a later date, have been a Superfedeas Superfedeas, and clear Discharge unto all and singular the said former Commissions granted unto the said Cities and Towns-Corporate, not being Counties in themselves.

§ 1. N. 3. So that the said Mayor, and other grave and chiefest Officers of every Commission such City and Town-Corporate, have been charged to sue for the renewing again of such Commissions, both for the Peace and Goal-delivery, to the great Expences, Cost and Charges of the said Mayor, and other the Inhabitants of such Cities and Towns-Corporate, and to the great protracting and delay of Justice therein in the mean time, for Reformation whereof, and for the better Advancement of Justice in the Premises.

§ 2. N. 1. Be it therefore Enacted, &c. that all and singular Commission and Franchise, Commissions granted or to be granted, to any such City or Town-Corporate not being as is aforesaid a County in it self, for the keeping of their Peace and delivery of the Prisoners remaining in the Goals of any such City or Town-Corporate, not being a County in it self, shall stand, remain and be Good and Available and Effectual in the Law, to all Intents, Constructions and Purposes, the granting of any like Commission of the Peace or Goal-delivery, to any Commissioner or Commissioners for the Conservation of the Peace, or Delivery of the Prisoners remaining in the Goal of any Shire, Lath, Rape, Riding or Wapentake within this Realm of England, bearing date after the said Commission or Commissions granted as is aforesaid, to any such City or Town-Corporate not being as is aforesaid a County in it self, to the contrary notwithstanding.

C. 21. § 10. N. 2. Be it therefore Enacted, &c. ( viz. because good and beneficial ) that all Riot, the said several Acts, &c. ( viz. 1 Mar. 1. St. 2. Cap. 12, &c. ) and all Clauses, &c. shall be revived, &c. untill the last day of the next Parliament, 4 & 5 Ph. & Mar. Cap. 9. § 14. N. 2.

4 & 5 Ph. & Mar. Cap. 2. § 8. N. 2. And be it further Enacted, &c. that the Justices of Peace of every War, Shire, shall have Power and Authority by vertue of this Act, from time to time to make search and view, of and for the said furnitures of Boxes, Guildings, Armes and Weapons to be found maintained and kept by any person, &c. having Lordships, Mannors, Houses, Lands, Meadows, Pastures or Woods, to the clear yearly value of two hundred pounds or under, and not above the yearly value of four hundred pounds, or to be found maintained or kept by any person chargeable, &c. by reason of his or their Goods, Cattels, Annuities, Fees or Copy-holds, &c. 1 Jac. Cap. 25. § N.

And



- Justices.** And to hear and determine at their Quarter Sessions, all and every the Defaults committed or done contrary to this Act. (viz. of finding Horses or Armor) within the County where such Session shall be kept, by Inquisition, Presentment, Bill or Information before them exhibited, or by Examination of two lawful Witnesses at the discretion of the same Justices, and to award Process thereupon, as though they were indicted before them by the Verdict of twelve men or more. § 8. N. 2.
- War.** And be it further Enacted, &c. that all Justices of Assize in their Circuits, and all Justices of Peace within the limits of their Commission in their Assizes and Sessions, and Stewards of Vets, Law days and Liberties at their Vets and Law days, shall and may from time to time, enquire, hear and determine every of the said Offences (viz. of Non-payment or Departure of Soldiers, &c.) committed or done contrary to this Act, within the Premises of their Commission, Vets or Liberty. C. 3. § 5. N. 1.
- Process.** And if any person, &c. shall be before the said Justices of Assize, Justices of Peace or any of them, presented or indicted of any the Offences aforesaid, (viz. Non payment or Departure of Soldiers) that then the said Justices of Assize or Justices of Peace, before whom such Indictment or Presentment shall be taken or had, shall, &c. award such Process against every such person, &c. as upon Indictments of Treasons is used and accustomed to be made. § 5. N. 2.
- Riot.** Be it therefore Enacted, &c. (viz. because good and beneficial) that all, &c. the said several Acts, &c. (viz. 1 Mar. 1. St. 2. Cap. 12. &c.) and all Clauses, &c. shall be revived, &c. until the last day of the next Parliament, 1 Eliz. 16. § 2. N. 2. C. 2. § 14. N. 2.

Statuta Eliz.

- Drapery.** **A**ND be it further Enacted, &c. that, &c. all Justices of Peace in every County and Place of this Realm, or two of them at the least, whereof one to be of the Quorum, shall have full Power and Authority to inquire, hear and determine the Offences aforesaid. (viz. of Deceit in Linnen Cloath) in their Sessions, by Information, Indictment or upon Traverse of any Presentment or Indictment found before the said Justices or any of them. 1 Eliz. C. 12 § 2. N. 1.
- Riot.** And so far as the said Act and Statute, (viz. 1 Mar. 1. St. 2. Cap. 12.) during all the time aforesaid, hath been proved by Experience to be a very good and beneficial Law, and meet to be continued and kept in force as well for the preservation of the Peace, as also for the Common wealth and Quietness of this Realm. C. 16. § 2. N. 1.
- Peace.** Be it therefore Enacted, &c. that the said Act and Statute (viz. 1 Mar. 1. St. 2. Cap. 12.) and every Branch, Clause and Article therein contained, shall stand, remain, continue and be in full force and strength, to all intents and purposes, for and during the Natural Life of the Queens most excellent Majesty that now is, &c. and to the end of the Parliament then next following. § 2. N. 2.
- Prerog.** And that the said Act and Statute, (viz. 1 Mar. 1. St. 2. Cap. 12.) and the Words and Sentences mentioned and contained in the said Act, shall extend unto the Queens Highness that now is, as fully and amply as ever the same did extend to the said late Queen Mary. § 2. N. 3.
- Fish.** And it is further Enacted, &c. that if the Offences, &c. touching the taking, killing or destroying of Fish, or Fry and Spawm, be not presented at the Vets where they shall be committed within one year next after the Offence committed, that the Justices of Peace in their Sessions, Justices of Over and Terminer, and Justices of Assize in their several Circuits, shall have full Power and Authority to inquire thereof, and to hear and determine all the Offences committed contrary to the Tenor of this Statute. C. 17. § 11. N. 1.
- Pope.** And it is also Enacted, &c. that as well Justices of Assize in their § 5 Eliz. Cap. 1. § 3. N. 1.

Circuits, as Justices of Peace within the limits of their Commission and Authorities, or two of every such Justices of Peace at the least, whereof one to be of the Quorum, shall have full Power and Authority by vertue of this Act in their quarter and open Sessions to inquire of all Offences, &c. (viz. Extolling the usurped Jurisdiction of Rome) done contrary to the true meaning of the Premises, in like manner and form as they may of other Offences against the Queens Peace.

§ 3. N. 2. And shall certify every Presentment afore them or any of them had or made concerning the same or any part thereof, before the Queen her Heirs and Successors, in her or their Court commonly called the Kings Bench, within forty days next after any such Presentment had or made if the Term be then open, and if not, at the first day of the full Term next following the said forty days. Certificate.

§ 3. N. 3. Upon pain that every of the Justices of Assize, or Justices of Peace before whom such Presentment shall be made, making default of such Certificate contrary to this Statute, to lose and forfeit for every such Default, 100 l. to the Queen her Heirs and Successors. Forfeiture.

C. 4. § 15. N. 1. And, &c. Be it Enacted, &c. that the Justices of Peace of every Shire, Riding and Liberty within the limits of their several Commissions, or the moze part of them being then resident within the same, and the Sheriff of that County if he conveniently may, and every Mayor, &c. within any City, &c. wherein if any Justice of Peace within the limits of the said City, &c. shall, &c. yearly at every general Sessions first to be holden and kept after Easter, or at some time convenient within six weeks next following every of the said feasts of Easter assemble themselves together, 39 Eliz. 12. § 2. N. 1. Justices.

§ 15. N. 2. And they so assembled, calling unto them such discreet and Grave persons of the said County, City or Town-Corporate as they shall think meet, and conferring together respecting Plenty or Scarcity of the Time, and other Circumstances necessarily to be considered, shall have Authority by vertue thereof within the limits and Precincts of their several Commissions, to limit, rate and appoint the wages as well of such and so many of the said Artificers, Handy-Craftsmen, Husbandmen or any other Laborer, Servant or Workman, whose wages in time past hath been by any Law or Statute rated and appointed. Apprentice.

§ 15. N. 3. As also the wages of all other Laborers, Artificers, Workmen or Apprentices of Husbandry which have not been rated, 39 Eliz. 12. § 2. N. 1. Fees.

§ 15. N. 4. As they the same Justices, Mayor or Head-Officers within their several Commissions or Liberties shall think meet by their Discretions to be rated, limited or appointed, by the year or by the day, week, month or otherwise, with meat and drink or without meat and drink. Days.

§ 15. N. 5. And what wages every Workman or Labourer shall take by the Great or Molwing, Reaping or Threshing of Corn and Grain, or for Molwing or making of Hay, or for Ditching, Paving, Raping or Hedging by the Rod, Peatch, Lugg, Bard, Pole, Rope or Foot, and for any other kind of reasonable Labor or Service. Husbandry.

§ 15. N. 6. And shall yearly before the twelfth day of July next after the said Assessments and Rates so appointed and made, certify the same ingrossed in Parchment, with the Considerations and Causes thereof, under their Hands and Seals, into the, &c. Court of Chancery, 39 Eliz. 12. § 3. N. 1. Certificate.

§ 17. N. 1. And be it further Enacted, &c. that if all the said Justices of Peace resident within the Counties where they are or shall be Justices of Peace, and Mayors and Head-Officers, do not before the tenth day of July, &c. yearly appear and assemble at the said general Sessions, or within six weeks next after the said general Sessions, and limit and rate the wages, &c. or be negligent or remiss in the Certificate thereof, &c. that then every Justice of Peace, &c. in whom any such default or negligence shall be found, being within the said County, &c., at the time of the said Sessions, or at the times of the said rates of wages to be set within six weeks next after every such Sessions, and not visited with any such Sickness as he could not travail thither without peril and danger of his Life, or not ha-

having any other lawful and good Excuse to be allowed by the Justices then assembled for the rating and taxing of wages, or by the more part of them upon a Corporal Oath, &c. by some credible person assessed, &c. in the Book of Subsidy, to the clear value of five pounds, &c. or by such other person as the most part of such Justices shall allow, &c. shall for such default or negligence forfeit, &c. ten pounds, &c. 39 Eliz. 12. §. 2 N. 4.

Apprentice. Provided always and be it Enacted, &c. that in the time of Hay, or Corn-harvest, the Justices of Peace and every of them, &c. shall and may cause all such Artificers and Persons as be met to labour by the discretions of the said Justices, &c. to serve by the day for the Mowing, Reaping, Shearing, Getting or Tinning of Corn, Grain and Hay, according to the Skill and Quality of the Person. § 22. N. 1.

Women. And be it further Enacted, &c. that two Justices of Peace, &c. shall and may by vertue hereof, appoint any such Woman as is of the age of twelve years and under the age of forty years, and unmarried and forth of Service, as they shall think meet to serve, to be retained, or serve by the year, or by the week or day for such wages, and in such reasonable sort and manner as they shall think meet. § 24. N. 1.

Husbandry. And be it further Enacted, that if any person shall be required by any Householder, having and using half a Plowland at the least in Tillage, to be an Apprentice, &c. and shall refuse so to do, that then upon Complaint of such Householder made to one Justice of the Peace of the County where the said Refusal is or shall be made, &c. they shall have full Power and Authority by vertue hereof, to send for the same person so refusing. § 35. N. 1.

Justices. And if the Justice, &c. shall think the said person meet and convenient to serve as an Apprentice in that Art, Labor, Science or Mystery wherein he shall be so then required to serve, that then the said Justice, &c. shall have Power, &c. if the said person refuse to be bound as an Apprentice, to commit him unto Ward, there to remain untill he be contented and will be bounden to serve as an Apprentice should serve, according to the true intent and meaning of this present Act. § 35. N. 2.

Apprentice. And if such Master shall mis-use or evil intreat his Apprentice, or that the said Apprentice shall have any just cause to complain, or the Apprentice do not his Duty to his said Master, then the said Master or Apprentice being grieved and having cause to complain, shall repair unto one Justice of Peace within the said County, &c. who shall by his wisdom and discretion take such order and direction between the said Master and his Apprentice, as the Equity of the Cause shall require. § 35. N. 3.

Proccs. And if for want of good Conformity in the Master, the said Justice of Peace, &c. cannot compound and agree the matter between him and his Apprentice, then the said Justice, &c. shall take Bond of the said Master to appear at the next Sessions then to be holden within the said County, &c. to be before the Justices of the said County, &c. if the said Master dwell within any such. § 35. N. 4.

Apprentice. And upon his appearance and hearing of the matter before the said Justices, &c. if it be thought meet unto them to discharge the said Apprentice of his Apprenticeship, that then the said Justices or four of them at the least, whereof one to be of the Quorum, &c. shall have Power by Authority hereof in Writing under their Hands and Seals, to procure and declare that they have discharged the said Apprentice of his Apprenticeship, and the Cause thereof. § 35. N. 5.

Justices. And if the Default shall be found to be in the Apprentice, then the said Justices, &c. with the Assistance aforesaid, shall cause such due Correction and Punishment to be ministered unto him, as by their Wisdom and Discretions shall be thought meet. § 35. N. 7.

Fees. And in Consideration of the Pains and Travail of the said Justices of Peace, &c. shall take and sustain in about the Execution of this Statute, it is further Ordained, &c. that every Justice of Peace, &c. for every day that he shall sit in and about the Execution of this Statute, shall have allowed unto him five shillings, to be allowed and paid unto him, &c. of the Fines and Forfeitures of the Pains and Penalties that should be forfeited and due, &c. by force of this Statute, in such manner, &c. § 38 N. 1.



&c. as the said Justices have ben heretofore commonly paid for their coming and charges at the Quarter Sessions, so that the sitting of the said Justices, &c. be not at any one time above three days, and for the matters contained in this Statute.

§ 39. N. 2. And that the said Justices or two of them, whereof one to be of the Justices. Quorum, shall have full Power and Authority, to hear and determine all and every Offence and Offences that shall be committed or done against this Statute or against any Branch thereof, as well upon Indictment to be taken before them in the Sessions of the Peace, as upon Information of Debt, or Bill of Complaint to be sued or exhibited by any person.

§ 39. N. 2. And shall and may by vertue herof, make Process against the Defendant, and award Execution as in other Case they lawfully may, by any the Laws and Statutes of this Realm. Process.

§ 39. N. 3. And shal' yearly at Michaelmas Term certify by Escheat, the Fines and Certificate. Forfeitures of every the Offences contained in this Statute that shall be found before them into the Court of Exchequer, in like sort and form as they be bound to certify the Escheats for other Offences and Forfeitures to be lost before them, &c.

§ 47. N. 1. And be it further Enacted, &c. that if any Servant or Apprentice, &c. unlawfully depart or flee into any other Shire, that it shall be lawful to the said Justices of Peace, &c. for the time being Justices of the Peace there, to make and grant Writs of Capias, so many and such as shall be needful to be directed to the Sheriffs of the Counties, or to other Head Officers of the Places whether such Servants or Apprentices shall so depart or flee, to take their Bodies returnable before them at what time shall please them, so that if they come by such Process that they be put in Prison till they shall find sufficient Surety, well and honestly to serve their Masters, Mistresses or Dames from whom they so departed or fled, according to the Order of the Law. Apprentice.

C. 5. § 30. N. 3. And for all and singular such other of the Offences before mentioned (viz. of Transporting or Buying Fish on the Sea purveyance, &c.) as shall be done in the Land, or within any Haven or Port, all Justices of Peace in their Sessions, and Mayors, Sheriffs and Bailiffs, and other Head Officers in Cities and Towns Corporate in their Sessions or other Courts, within the limits of their Commissions or Authorities, shall have full Power and Authority to inquire of the Offenders of this Act, (viz. of Increase of the Navy) as well by the Oaths of twelve men as otherwise by Information, and thereupon to hear and determine the same. Fish.

§ 31. N. 1. And if any person shall be presented, &c. within the limits of their Authorities, or any Information given to them of any Offender of this Act, that then they shall have full Power and Authority upon any such Presentment or Information, to make Process against the Offenders of this Act, like as is commonly used upon Indictment of Treasons. Process.

§ 33. N. 1. And all such Forfeitures as according to the Tenor of this Act shall be determinable before the Justices of the Peace, shall be to the use of the Queens Majesty her Heirs and Successors. Forfeiture.

§ 43. N. 1. Provided always, and be it further Enacted, that no fisherman using or haunting the Sea, shall be taken by the Queens Majesties Commission to serve her Highness as a Mariner upon the Sea, but that the said Commission be first brought by her Highnesses Taker or Takers to two Justices of Peace next inhabiting to the said Sea-Coasts, Towns or other Places where the said Mariners are so to be taken, to the intent the said Justices may chuse out and cause to be returned, such sufficient number of able men as in the said Commission shall be contained to serve her Majesty as is aforesaid. Admiral.

C. 9. § 9. N. 1. And be it also Enacted, &c. that as well the Judge and Judges of every of the said Courts where any such Suit (viz. for Perjury or Subornation, &c.) shall be, and whereupon any such Perjury is or shall happen to be committed, as also the Justices of Assizes and Goal-delivery in their several Circuits, and the Justices of the Peace in every County within this Realm or in Wales, at their Quarter Sessions both within the Liberties Oath.

ties and without, shall have full Power and Authority by vertue hereof, to inquire of all and every the Defaults and Offences perpetrated committed or done contrary to this Act, by Inquisition, Presentment, Bill or Information before them exhibited or otherwise, lawfully to hear and determine the same, and thereupon to give Judgment, award Process and Execution of the same, according to the Course of the Laws of this Realm.

Licence. In Consideration whereof, (viz. of the Decay of Husbandry and high Prices C. 12. § 4 N. 1.

by too great number. &c.) be it Enacted &c. that no Drover of Cattle, Badger, Lader, Kidder, Carrier, Waper or Transporter of Corn or Grain, Butter and Cheese be, &c. licensed, admitted, assigned or allowed to those Offices or Doings, or to any of them, but only in the general and open quarter Sessions of the Peace, to be holden in the Shire where such person, &c. shall dwell, and hath or shall have dwelled there by the space of three years next before the Test of his said Licence, 5 & 6 Ed. 6. Cap. 14. § N.

Justices. Which said Licences and every of them, shall bear date of the Day and Place where the said Sessions shall be holden, and shall be signed and sealed with the proper Hands and Seals of three of the said Justices of the Peace being present at the same Sessions, at the least, whereof one to be of the Quorum. § 5. N. 1.

Process. Be it also Enacted, &c. that the Justices of Peace in every County within this Realm or Wales at the quarter Sessions, shall have full Power and Authority by vertue of this Act, to inquire, hear and determine all and every the Defaults and Offences perpetrated committed or done contrary to this Act within the County where any such Sessions shall be kept, by Inquisition, Presentment, Bill or Information before them exhibited; and by Examination of two lawful Witnesses, or by any of the same ways or means by the discretion of the said Justices, and to make Process thereupon as though they were indicted before them by Inquisition or by Verdict of twelve men or more. § 6. N. 1.

Amercements. And upon the Conviction of the Offender by Information or Suit of any other then the Queen to make Extracts of the Writ of the forfeitures to be leaved to the Queens use, as they use to do of other fines and Amercements grown in the Sessions of the Peace, and to award Execution of the other Writ for the Complainant or Informer against the Offender by Fieri facias or Capias, as the Queens Justices at Westminster may do. § 6. N. 2.

Forfeiture. And if any such Conviction or Attainder shall hereafter happen to be at the Queens Suit only, that then the whole Forfeitures to be extracted and leaved to the Queens use only. § 6. N. 3.

Ways. And be it further Enacted, &c. that, &c. all and every such Supervisor and Supervisors for the time being, (viz. of High-ways) within one Month next after Default or Offence made, done or committed by any person, &c. contrary to the Provision, &c. (viz. of 2 & 3 Ph. & Mar. Cap. 8.) or contrary to the Provision, &c. of this present Act, shall present every such Default or Offence to the next Justice of Peace for the time being, (viz. on Forfeiture of 40s.) C. 13. § 2. N. 1.

Certificate. And that every such Justice of Peace to whom any such Default or Offence (viz. of High-ways) shall be presented as is aforesaid, shall certify the same Presentment so to him made, at the next general Sessions within the said County then next after to be holden. § 8. N. 3.

Certificate. Upon Pain to forfeit for not certifying of every such Presentment of every such Default or Offence as is aforesaid, 100l. § 8. N. 4.

Process. And that the Justices of Peace of every County where the said Defaults or Offences (viz. of High-ways) shall be committed, shall immediately have Authority to inquire of any such Default or Offence committed within the limits of their Commission at every their quarter Sessions, and to assess such fines for the same, as they or two of them, whereof one to be of the Quorum, shall think meet. § 8. N. 5.

Justices. And be it further Enacted, &c. that every Justice of Peace, shall have Authority by this Statute of his own Power, Knowledge in the open general Sessions, to make Presentment of any High-way not well and sufficiently § 9. N. 1.

ently repaired and amended, or of any other Default or Offence committed and done within the County and limits of his Commission contrary to the Provision and Intent of this Statute, or of, &c. (viz. 2 & 3 Ph. & Mar. Cap. 8.)

§ 9. N. 2. And that every such Presentment made by any such Justice of Peace upon his own knowledge as is aforesaid, shall be as good and of the same force, &c. as if the same had been presented, found and adjudged by the Oath of twelve men. Inquest.

§ 9. N. 3. And that for every such Default so presented as is aforesaid, the Justices of the Peace of the said County, shall immediately at the said general Sessions, have Authority to assess such fines as to them or two of them, whereof the one to be of the Quorum, shall be thought meet. Amereement.

§ 9. N. 4. Saving every person, &c. that shall be touched by any such Presentment, to have his or their lawful Traverse to the same Presentment, as they might have upon any Indictment of Treasons, or forcible Entry by the Laws of this Realm before the making of this Statute. Pleading.

§ 10. N. 1. And that all such fines, Forfeitures and Amercements to be assessed by the said Justices of the Peace at their general Sessions in any of the Cases aforesaid, shall be Estreated by the Clerk of the Peace of the said County, and shall be levied in such manner and form, and employed to such uses and intents as in the said Statute, &c. (viz. 2 & 3 Ph. & Mar. Cap. 8. § 6. N. 1.) is limited and appointed. Forfeitures.

C. 15. § 4. N. 1. And be it further Enacted, &c. that all and every Justice of Assize, &c. of Oyer and Determiner, and Justice of Peace, shall have full Power and Authority by virtue hereof, to inquire, hear and determine all and every Offence, &c. (viz. of false Prophecies on occasion of War, &c.) committed or done within the limits of their Commission, contrary to the Tenor and Meaning of this Act. Slander.

C. 21. § 6. N. 1. And be it further Enacted, &c. that the Justices of Oyer and Determiner, &c. of Assize in their Circuits, and Justices of the Peace and Goal-delivery in their Sessions, shall by virtue hereof, have Power and Authority to inquire, hear and determine all and singular the Offences, &c. (viz. of cutting Heads or Dams of Ponds, breaking Parks or Ground inclosed, stealing Fish, Hawks or Eggs, &c.) and to make and award Process thereupon, as well upon Indictments taken before them, as by Bill of Complaint, Information or any other Action, in which Suit or Action, no Effort, Wager of Law nor Protection shall be allowed. Forest.

2 Eliz. Cap. 3. § 4. N. 1. And be it further Enacted, &c. that the Justices of Oyer and Terminer, &c. of Goal-delivery, and Justices of the Peace in every County and Shire within this Realm of England and Wales, and other the Queens Majesties Dominions, shall have full Power and Authority by virtue of this Act to inquire of every Offender, &c. (viz. that Ships any Sheep to be conveyed out of any the Queens Dominions, &c.) contrary to the form and effect of this Act, and to hear and determine, &c. according to the Course of the Laws of this Realm, Cattle.

C. 9. § 5. N. 1. And where such Vessels (Viz. Barrel, Kilderkin or Firkin for Ale or Beer) shall be made or sold out of any City, Borough or Town Corporate, the Prices thereof shall be rated and taxed by the Justices of Peace or the more part of them, being present in the general Quarter Sessions, yearly next after Easter, at such reasonable prices as they shall think reasonable by their discretions, the said Statute, &c. (viz. 23. H. 8. Cap. 4. § 5. N. 1.) or any other Law, &c. notwithstanding. Measures.

13 Eliz. Cap. 2. § 8. N. 1. Provided nevertheless, and be it further Enacted, &c. that if any person to whom any such Agnus Dei or other the things aforesaid, (viz. Crosses, Pictures, Beads, &c.) shall be tendered and offered to be delivered, shall apprehend the party so offering the same, and bring him to the next Justice of the Peace of that Shire where such tender shall be made, if he shall be of power and able so to do, or for lack of such ability, shall within the space of three days next after such Offer made, &c. disclose the Name and Names of such person, &c. as so shall make the same Offer, and the Dwelling-place or Place of Abode of the same person, &c. (which he shall endeavour himself to know by all the means and ways he can) to the Ordinary of the Diocels, or to any Justice of Peace of that Shire where such Pope.



such person, &c. to whom such offer shall be made, &c. shall be resistant.

Days. And also if such person, &c. to whom such offer shall be made, shall happen to receive any such Agnus Dei, &c. and shall within the space of one day next after such receipt, deliver the same to any Justice of Peace within the same Shire, where the Party so receiving shall be then resistant, or shall happen to be. § 8. N. 2.

Forfeiture. That then every such person and persons doing any the Acts or Things in this Provision above mentioned, in form above declared, shall not by force of this Statute incur any Danger or Penalty, &c. § 8. N. 3.

Justices. Provided also, and be it further Enacted, &c. that if any Justice of Peace to whom any Matter or Offence before mentioned, shall be uttered, shewed or declared as is aforesaid, do not within the space of fourteen days next after it shall be to him shewed or uttered, signify or declare the same to some one of the Queens Majesties Privy Council, that then the same Justice of Peace shall incur the Danger, Pain and Forfeiture provided by the said Statute, &c. (viz. 16 Rich. 2. Cap. 5. § 2. N. 6.) § 10. N. 1.

Usury. And be it further Enacted, that Justices of Oyer and Terminer and Justices of Assize in their Circuits, Justices of Peace in their Sessions, &c. shall also have full Power and Authority to inquire, hear and determine of all and singular Offences (viz. of Usury) committed against the said Statute (viz. 37 H. 8. Cap. 9.) now revived. C. 2. § 6. N. 1.

Sewers. And that the Justices of Peace in the Shire, &c. where the same Laws, Ordinances and Constitutions, (viz. of Sewers) are to be executed within their several Commissions or Limits, or six of them, whereof two to be of the Quorum, shall have Power and Authority by the space of one whole year next after the expiration of every such Commission, to execute the same Laws, Ordinances and Constitutions and every of them, as fully and in as ample manner and form, as the Commissioners or any of them named and appointed in every or any Commission so expired, might or should have done to all Intents and Purposes, as if the said Commission or Commissions had continued in force. C. 5. § 2. N. 2.

Justices. Provided always, and be it nevertheless Enacted, that if any new Commission of Sewers shall be made within the said year, that then immediately from and after such Commission newly made and published, the Power of the said Justices of Peace and every of them in any wise concerning the Execution of any such Laws, Ordinances and Constitutions of Sewers, shall utterly cease any thing or things in this Act to the contrary expressed, in any wise notwithstanding. § 3. N. 1.

Corn. Provided nevertheless, that neither any of the said Presidents and Councils nor the said Justices of Assize, nor the said Justices of Peace, &c. shall publish any their Determinations, &c. (viz. for Permission or Prohibition of the Transportation of Corn) until the same shall be first by Writing notified to the Queens Majesty or to her Privy Council, and by her Majesty, or her Privy Council shall be liked or allowed. C. 13. § 2. N. 1.

Imprisonment. And by the said Justice or Head Officer, (viz. before whom sturdy Beggar, &c. above fourteen shall be brought) to be presently committed to the Common Goal of the said County, being apprehended within the County, or else such other place as by the Justices of Peace of that County or three of them, at their general Sessions shall be appointed. 14. Eliz. Cap. 5. § 2. N. 3.

Licence. Be it also further Provided, that no Licence, &c. (viz. of Passport or to beg, &c.) shall give any manner of liberty, or be of any manner of force, but only in the Shire whereof the Grantor, &c. of such Licence, shall be Justice, &c. of the Peace. § 10. N. 1.

Taxes. And that done, (viz. the number of Poor registered, &c.) then the said Justices, Mayors, Sheriffs, Bailiffs and other Officers, within every their several Commissions, &c. shall by their good discretions, tax and assess all and every City, Borough, Town, Village, Hamlet and Place known within the said Limits and Divisions, to such weekly charge, as they and every of them shall weekly contribute towards the relief of the said poor people. § 14. N. 7.

Account. And further be it Enacted, that the said Collectors (viz. for the Poor) and every of them, &c. shall make their just Account half yearly, &c. § 18. N. 1.

- to two Justices of the Peace dwelling next the said abiding place or places, not being within any City, Borough or Town-Corporate.
- § 21. N. 1. Provided, &c. and be it further Enacted, &c. that three Justices of Peace, whereof one to be of the Quorum, of and with the Surpluses and Forfeitures (the said Poor, &c. provided for) shall by their discretions in such convenient place, &c. within their said Shires as they shall think meet, place and settle to work the Rogues and Vagabonds, &c. Poor.
- § 24. N. 1. And be it further Enacted, &c. that three Justices of Peace within all the Shires of this Realm, whereof one to be of the Quorum, shall have full Power, &c. to hear and determine all Causes (Except Forfeitures of Justices of Peace) that shall come in question by reason of this Act. Justices.
- § 33. N. 1. Also be it provided, that if any, &c. shall find him or her self grieved with any Taxation set upon them by vertue of this Act, it shall be lawful for them at the next general Sessions of the Peace to be holden within the same Shire where their Taxation shall be, to make Complaint thereof to the Justices of the Bench, and to be eased of their excessive charge by the discretion of the whole Bench or the most part of them. Taxes.
- 18 Eliz. C. 3. It is Ordained, &c. that two Justices of the Peace, whereof one to be of the Quorum, in or next unto the limits where the Parish Church is, within which Parish such Bastard shall be born, upon examination of the Cause and Circumstance, shall and may by their discretion, take order as well for the punishment of the Mother and reputed Father of such Bastard Child, as also for the better relief of every such Parish in part or in all, 39 Eliz. Cap. 4. § 1. N. 1. 3 Car. 1. Cap. 4. (3.) § 15. N. 2. Bastardy.
- § 2. N. 3. And shall and may likewise by like discretion, take order for the keeping of every such Bastard Child, by charging such Mother or reputed Father with the payment of money weekly, or other sustentation for the relief of such Child, in such wise as they shall think meet and convenient. Poor.
- § 2. N. 4. And if after the same Order by them subscribed under their hands, any the said persons (viz. Mother or reputed Father) upon notice thereof, shall not for their part observe and perform the said Order, that then every such party so making default in not performing of the said Order, to be committed to Ward to the common Goal. Imprisonment.
- § 5. N. 3. And that likewise in every other Market-Town or other Place (viz. not Corporate) within every County of this Realm, whereto the Justices of Peace or greater part of them, in their general Sessions next after Easter, within every limit shall be thought meet and convenient, a like competent store and stock of Wool, Hemp, Flax, Iron or other Stuff as the Country is most meet for, by Appointment and Order of the said Justices of Peace, or the greater part of them in their general Sessions, of all the Inhabitants within their several Authorities, to be taxed, levied and gathered, shall be provided (viz. for the Poor.) Justices.
- § 6. N. 1. And moreover be it Ordained, &c. that within every County of this Realm one, two or more abiding houses or places convenient in some Market-Town, or Corporate-Town or other place, &c. by Purchase, Lease, Building or otherwise, by the appointment and order of the Justices of Peace or the more part of them in their said general Sessions (of Inhabitants within their several Authorities, to be taxed, levied and gathered) shall be provided, and called the house or houses of Correction. Poor.
- § 7. N. 1. And be it also further Enacted, &c. that the said Justices of Peace or the more part of them in their said general Sessions in every County, shall and may appoint from time to time, persons which shall be Overseers of every such house of Correction. &c. Officer.
- § 7. N. 2. And shall also, &c. appoint others for the gathering of such money as shall be taxed upon any person, &c. towards the maintenance of the said houses of Correction. Taxes.
- § 15. N. 1. Provided always, and be it Enacted, &c. that if any Justice of the Peace assembled at any the said Sessions next after Easter, shall from thence depart before conference had touching the Execution of this Statute, he shall for every such Offence forfeit 5 l. to be recovered and levied as a fine, upon Indictment and Conviction of Treasons, &c. Justices.

And

- Information And that Justices of Oyer and Terminer, Justices of Assize in their C. 5. § 4. N. 4.  
Circuits and Justices of Peace in their quarter Sessions, shall have full Power and Authority to hear and determine, all Offences to be committed or done ( viz. in Suits upon any Penal Statutes ) contrary to the true intent and meaning of this present Act.
- Ways. And be it further Enacted, &c. that all and every Justices of Assize, C. 10. § 9. N. 1.  
Justices of Oyer and Terminer, Justices of Peace in the Sessions and Stewards of Vets and Law-days in their Vets and Law-days, shall hear and determine all and every Offence, Matter and Cause that shall grow, come or rise by reason of this Statute. ( viz. of amending Highways. )
- Pope. And be it likewise Enacted, that all and every Offences against this 23 Eliz. C. 1.  
Act, or against the Acts, &c. ( viz. 1 Eliz. Cap. 1. & 5 Eliz. Cap. 1. & § 8. N. 1.  
13. Eliz. Cap. 2. &c. ) touching acknowledging her Majesties supreme Government in Causes Ecclesiastical, or other matters touching the Service of God, or coming to Church, or Establishment of true Religion in this Realm, shall and may be inquirable, as well before Justices of Peace as other Justices named in the same Statutes, within one year and a day after every such Offence committed, any thing, &c. notwithstanding.
- Justices. And Justices of Peace in their open quarter Sessions of Peace, shall § 9. N. 2.  
have Power by vertue of this Act, to inquire, hear and determine of all Offences against this Act, except Treason and misprision of Treason.
- Slander. And also that all Justices of Peace as well within Liberties as without, within the limits of their several Commissions in their general or quarter Sessions, shall by vertue hereof, have full Power and Authority to inquire of all and every the Offences aforesaid, ( viz. of false News and Prophecies against the Queen, &c. ) and to cause the Offender, &c. therein, to be indicted without any further proceeding therein.
- Imprisonment. And that also every Justice of Peace within the limits of his Commission, shall have full Power and Authority to commit any person being vehemently suspected of any of the said Offences, to Ward, unless he do put in Sureties to make his personal appearance at the next quarter Sessions or Goal-delivery, &c. § 8. N. 2.
- Days. Provided always, and be it Enacted, &c. that no manner of person, &c. shall be molested or impeached for any the Offences concerning speaking or reporting, &c. unless he or they be thereof accused within one Month next after such words so spoken or reported, before some one Justice of the Peace, and the Witnesses therein to be used, named to the same Justice. § 10. N. 1.
- Proof. And the same Accusation and Witnesses Names, put in Writing by the said Justice, and certified at the next quarter Sessions or Goal-delivery. § 10. N. 2.
- Drapery. For Reformation, &c. be it Ordained, &c. that all such Log-wood alias C. 9. § 2. N. 1.  
Block-wood, in whose hands soever the same shall be found, &c. shall be forfeited and openly burned by Authority of the Mayor, &c. or of two Justices of Peace of the County where it shall be found.
- Fowl. The same Bond ( viz. not to take Fesant or Partridge in two years ) to be C. 10. § 2. N. 6.  
taken by some Justice of Peace of the County where the said Offence ( viz. of undue taking with Nets, &c. ) shall be committed,
- Justices. Provided always, and be it further Enacted, &c. that the Justices of Assizes in their Circuits, and Justices of Peace in every Shire, County and Town-Corporate within this Realm, in their Sessions within their several limits of their Commission, and Stewards of Vets, Liberties and Law-days within their several Jurisdictions, shall and may by vertue hereof, hear, inquire and determine of all and every Offence or Offences ( viz. of taking Fesant or Partridge in the Night with Nets or before Corn Shockt, &c. ) which shall be committed within the precinct of their Liberties, Jurisdictions or Franchises against the Tenor of this Act. § 5. N. 1.
- Lect. And further, that every Justice of the Peace within every County of this Realm, shall within the limits of his Commission, have Power and Authority



Authority by vertue hereof, to examine all Offenders in the Premises (viz. taking Felant or Partridge in the Night with Nets or before Corn Shocket) within the County where he is or shall be Justice, if so be that the said Offence or Offences shall not before be heard or determined by the Justices of Assize in their Circuits, or by the Stewards of Aets, Liberties or Law days within their said several Jurisdictions.

§ 5. N. 3. And also take Bond with good Sureties for his and their Appearance that shall so offend, to appear at the next general Sessions of the Peace to be holden in the same County where the same Offence shall be committed, to answer the said Offence, and to pay the Penalties or receive the Punishment by this Act appointed or limited. Recogniz.

27 Eliz. C. 2. And that if such Justice of Peace, &c. to whom such matter shall be Pope.

§ 13. N. 2. discovered, (viz. that Jesuit-Priest, &c. remain in this Realm) do not within eight and twenty days then next following give Information thereof to some of the Queens Privy-Council, or to the President of the Queens Council established in the North, or in the Marches of Wales for the time being, that then he or they so offending, shall for every such Offence forfeit the sum of two hundred Marks.

C. 7. § 3. N. 1. And be it further Enacted, &c. that Justices of Oyer and Terminer, &c. Justices of Assize, &c. and Justices of Peace as well within Liberties as without, within the limits of their Commission, shall by vertue of this present Act, have full Power and Authority to inquire, hear and determine all and every the Offences aforesaid, (viz. Abuses in collecting Issues lost by Jurors of the same Name not summoned) committed, &c. within the several limits, circuit and precinct of their several Commission, &c. and to award forth Process of Execution for the leaping of the Forfeitures. Inquest.

C. 12. § 6. N. 1. And be it further Enacted, &c. that the Justices of Assize and Justices of Peace in their open Sessions, shall have full Power within the limits of their Authority, to hear and determine the Defaults done contrary to this Act, (viz. of Under-Sheriffs, Bailiffs, Clerks, &c. not taking their Oaths, &c.) as well by Presentment and Information as Indictment. Sheriffs.

C. 13. § 2. N. 7. And that the same Debt (viz. against Hundreds that do not make Fresh Suit after Robbery) shall and may be recovered by Action of Debt, Bill, Plaint or Information in any of the Queens Majesties Courts of Record at Westminster, by and in the Name of the Clerk of the Peace for the time being, of or in every such County within this Realm where any such Robbery and Recovery by Party or Parties robbed shall be, without naming the Christian-name or Surname of the said Clerk of the Peace. Fresh suit.

§ 5. N. 1. For Remedy, &c. (viz. of Contribution for Party on whom Execution is done, &c.) be it Enacted, &c. that after Execution of Damages by the party or parties so Robbed had, it shall and may be lawful upon complaint made by the party or parties so charged, to and for two Justices of the Peace, whereof one to be of the Quorum of the same County, inhabiting within the said Hundred or near unto the same where any such Execution shall be had, to assess and tax rateably and proportionably according to their discretions, all and every the Towns, Parishes, Villages and Hamlets, as well of the said Hundred where any such Robbery shall be committed, as of the Liberties within the said Hundred, to and towards an equal Contribution to be had and made for the Relief of the Inhabitant or Inhabitants against whom the Party or Parties robbed before that time had his or their Execution. Execution.

C. 24. § 2. N. 1. For Remedy, &c. be it Enacted, that &c. the Justices of Peace within the County of Norfolk, shall and may yearly at any general Sessions to be holden within the said County, for and towards the making and amending of the said Sea-banks or Sea-works now being, or that hereafter shall be in ruin or decay, limit and appoint so many of the aforesaid Day-works (viz. by 2 & 3 Ph. & Mar. Cap. 8. & 5 Eliz. Cap. 13. § N. & 18 Eliz. Cap. 10. § N. Appointed for the Amendment of High-ways) as by their discretions shall be thought superfluous and not needful to be imploied towards the Amendment of the aforesaid High-ways within three Miles of the said Sea-banks or Sea-works, which shall needfully require any such reparation or amendment. Sewers.

- Information And that all Suits, &c. to be pursued upon any Statute for using any unlawful Game, or for not using any lawful Game. *31 Eliz. C. 5. § 7. N. 2.*
- Games. Or for not having Bows and Arrows according to the Law. *§ 7. N. 3.*
- Apprentice. Or for using any Art or Mystery in which the Party hath not been brought up, according to the Statute (viz. 5 Eliz. Cap. 4. § 31. N. 1.) in that behalf made, *§ 7. N. 4.*
- Justices. Shall be sued and prosecuted in the general quarter Sessions of the Peace or Assizes of the same County where the Offence shall be committed, or otherwise inquired of, heard and determined in the Assizes, or general Quarter Sessions of the Peace of the same County where such Offence shall be committed, or in the Year within which it shall happen and not in any wise out of the same County where such Offence shall happen or be committed, *§ 7. N. 5.*
- Poor. And be it further Enacted, &c. that all Justices of Assizes, Justices of Peace in their open Sessions and every Lord within the Precinct of his Year and no others, shall have full Power and Authority within their several Limits and Jurisdictions, to inquire of, hear and determine all Offences contrary to this present Act, (viz. of Cottages) as well by Indictments, as otherwise by Presentment or Information. *C. 7. § 4. N. 1.*
- Execution. And to award Execution for the levying of the several Forfeitures, &c. by Fieri Facias, Elegit Capias, or otherwise as the Cause shall require. *§ 4. N. 2.*
- Poor. Nor (viz. this Statute shall not extend) to any Cottage to be made, which for any just respect upon Complaint to the Justices of Assize at the Assizes, or to the Justices of Peace at the Quarter Sessions, be decreed to continue for Habitation, or for and during so long time only as by such Decree shall be altered and limited. *§ 6. N. 4.*
- Force. Be it Ordained, Declared, and Enacted, &c. (viz. on 8 H. 6. Cap. 9. § 7. N. 1.) that no restitution upon any Indictment of forcible Entry or holding with force, be made to any person or persons, if the person or persons so indicted hath had the Occupation, or hath been in quiet Possession for the space of three whole years together next before the day of such Indictment so found, and his, her or their Estate or Estates therein not ended or determined. *C. 11. § 3. N. 3.*
- Restitution. Which the Party indicted shall and may alledge for stay of Restitution, and Restitution to stay until that be tried, if the other will deny or traverse the same. *§ 3. N. 4.*
- Market. The one half of all which Forfeitures (viz. of not Tolling, or Vouching or Entering Sale of Horses in Market, &c.) to be to the Queens Majesty, her Heirs and Successors, and the other half to him or them that will sue for the same, before the Justices of Peace, or in any of her Majesties ordinary Courts of Record, by Bill, Plaint, Action of Debt or Information, in which no Estoppel or Protection shall be allowed. *C. 12. § 2. N. 9.*
- Cattle. And be it further Enacted, that the Justices of Peace in every Place and County, as well within Liberties as without, shall have Authority in their Sessions within the limits of their Authority and Commission, to inquire, hear and determine all Offences against this Statute (viz. of selling Horses in Fairs and Markets) as they may do any other matter triable before them. *§ 3. N. 1.*
- Pope. And that the Justices of Peace before whom any such Abjuration shall happen to be made, &c. (viz. by Party absent a Month from Church, or at Couventicle, &c.) shall cause the same presently to be entered of Record before them, and shall certify the same to the Justices of Assizes and Goal-delivery of the County, at the next Assizes or Goal-delivery to be holden in the same County. *35 Eliz. C. 1. § 2. N. 3.*
- Pope. That in every such Case, (viz. where a restrained Papist exceeds five Miles of Home, and is unable to pay Fine, and doth not reform) every such Offender being thereunto warned or required, by any two Justices of Peace or Coroner of the same County where such Offender shall then be, shall upon his or their Corporal Oath before any two Justices of the Peace or Coroner of the same County, abjure this Realm of England and all other the Queens Majesties Dominions for ever. *C. 2. § 2. N. 4.*
- Justices. And that every Justice of Peace and Coroner before whom any such Abjuration shall happen to be made as is aforesaid, shall cause the same presently

sently to be entered of Record before them, and shall certify the same to the Justices of Assize of Goal-delivery of the said County at the next Assizes of general Goal-delivery to be holden in the same County.

C. 4. § 1. N. 1. Be it Enacted, &c. that every Parish within this Realm of England and Wales, shall be charged to pay weekly such a sum of money towards the relief of the sick, hurt and maimed Soldiers and Mariners, that, &c. shall lose their Limbs, or disable their Bodies, having been pressed and in pay for her Majesties service, as by the Justices of Peace of the more part of them in their general quarter Sessions to be holden in the several Counties, &c. about the feast of St. John Baptist, yearly shall be appointed.

§ 1. N. 3. So as no Parish be rated above the sum of six pence, nor under the sum of one penny weekly to be paid. Taxes.

39 Eliz. C. 2. And be it further Enacted, &c. that the Justices of Assize or Justices of Peace in every County within this Realm, at the Assizes or quarter, or general Sessions, shall have full Power and Authority by virtue of this Act, to inquire, hear and determine all and every the Defaults and Offences committed or done contrary to this Act, (viz. Husbandry and Tillage) within the County where any such Assizes or Sessions shall be kept, by Inquisition, Presentment, Indictment, Bill or Information, or by any of the same ways or means.

§ 9. N. 2. And upon the Conviction of the Offender, by Information or Suit of any other than her Majesty, her Heirs or Successors, to make Extracts of one third part of the Forfeitures to be levied for the Queens Majesty, her Heirs and Successors, as they use to do of other Fines, Issues and Amercements grown in the Sessions of the Peace. Forfeitures

§ 9. N. 3. And to award Execution of the two other third parts, the one for the Complainant or Informer, and the other to the Poor, by the discretion of the Justices of Peace of the general Sessions against the Offender, by Fieri facias and Capias, as her Majesties Justices at Westminster may do and use to do. Execution.

§ 9. N. 4. And if any such Conviction shall hereafter happen to be at her Majesties Suit only, that then the Forfeitures to be Extracted and levied for her Majesty, her Heirs and Successors, to the uses aforesaid. Process.

§ 9. N. 5. And it is also further Enacted, that if any person shall hereafter be punished by virtue of this Act, (viz. of Husbandry and Tillage) that the same person shall not otherwise be vexed, troubled, sued or put to any pain or punishment for the thing wherefore he or they shall have been so punished. Husbandry.

C. 5. § 1. N. 1. Be it Enacted, &c. that the Church-wardens of every Parish, and four substantial Householdiers there being Subsidy-men, or for want of Subsidy men, some other substantial Householdier of the said Parish, who shall be nominated yearly in Easter week, under the Hand and Seal of two or more Justices of the Peace in the same County, whereof one to be of the Quorum, dwelling in or near the same Parish, shall be called Overseers of the Poor of the same Parish, 43 Eliz. Cap. 2. § 1. N. 1. Poor.

§ 1. N. 4. And also to raise weekly or otherwise, (by Taxation of every Inhabitant and every Occupier of Lands in the same Parish, in such competent, &c. sums of money as they shall think fit) a convenient stock of Flax, Hemp, Wool, Thread Iron and other necessary Ware and Stuff to set the Poor on work, and also competent sums of money for and towards the necessary relief of the same impotent, old, blind and such other among them, being poor and not able to work, and also for the putting out of such Childzen to be Apprentices to be gathered out of the same Parish, according to the ability of the same Parish, 43 Eliz. Cap. 2. § 1. N. 4. 5. Taxes.

§ 1. N. 10. And be it also Enacted, that if the said Justices of Peace do perceive that the Inhabitants of any Parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid, that then the said Justices shall and may tax, &c. any other of other Parishes, or out of any Parish within the Hundred where the said Parish is, to pay such, &c. sums of money to the Church-wardens and Overseers of the said poor Parish for the said purposes as the said Justices shall think fit, according to the intent of this Law, 43 Eliz. Cap. 2. § 3. N. 1. Justices.

And



Poor.	And if the said Hundred shall not be thought to the said Justices, able and fit to relieve the said several Parishes, nor able to provide for themselves as aforesaid, then the Justices of Peace at their general Quarter Sessions, or the greater number of them, shall rate and assess as aforesaid, either of any other Parishes, or out of any Parish within the said County for the purposes aforesaid, as in their discretion shall seem fit, 43 Eliz. Cap. 2. § 3. N. 2.	§ 1. N. 11.
Process.	And that it shall be lawful for the said Church-wardens and Overseers or any of them, by Warrant from any two Justices of the Peace, to levy, &c. by distress and sale, &c. 43 Eliz. Cap. 2. § 4. N. 1.	§ 2. N. 1.
Justices.	And the said Justices of Peace or any one of them, to send to the House of Correction such as shall not employ themselves to work, being appointed as aforesaid, 43 Eliz. Cap. 2. § 4. N. 3.	§ 2. N. 3.
Imprisonment.	And also any two Justices, to commit to Prison every one of the said Church-wardens and Overseers which shall refuse to account, &c. 43 Eliz. Cap. 2. § 4. N. 4.	§ 2. N. 4.
Apprentice.	And be it further Enacted, that it shall be lawful for the said Church-wardens and Overseers or the greater part of them, by the assent of any two Justices of the Peace, to bind any such Child:en as aforesaid, to be Apprentice where they shall see convenient, &c. 43 Eliz. Cap. 2. § 5. N. 1.	§ 3. N. 1.
Error.	Provided always, that if any, &c. shall find themselves aggrieved, with any Sels or Tax, or other Act done by the said Church-wardens, &c. or by the said Justices of Peace, that then it shall be lawful for the Justices of Peace at their general Quarter Sessions or the greater number of them, to take such Order therein as to them shall be thought convenient, and the same to conclude and bind all the same Parties, 43 Eliz. Cap. 2. § 6. N. 1.	§ 3. N. 4.
Franchise.	And be it also Enacted, that if it shall happen any Parish to extend it self into more Counties than one, or part to lye within the Liberties of any City or Town-Corporate, and part without, that then as well the Justices of Peace of every County, as also the Head-Officers of such City or Town-Corporate, shall deal or intermeddle only in so much of the said Parish as lyeth within their Liberty, and not any further, 39 Eliz. Cap. 4. § 8. N. 1. & 43 Eliz. Cap. 2, § 9. N. 1.	§ 6. N. 1.
Taxes.	Which sums so taxed, ( viz. not above six pence on every Parish weekly, and not under a half-penny ) shall be yearly assessed by the agreement of the Parishioners within themselves, or in default thereof, by the Church-wardens and Constables of the same Parish or the more part of them, or in default of their agreement, by the Order of such Justice or Justices of Peace as shall dwell in the same Parish, or if none be there dwelling, in the Parts next adjoining, 43 Eliz. Cap. 2. § 10. N. 3.	§ 10. N. 3.
Imprisonment.	And be it also Enacted, that the said Justices of the Peace at their general Quarter Sessions to be holden at the time of such taxation, shall set down what competent sum of money shall be sent Quarterly out of every County or Place Corporate for the relief of the poor Prisoners of the Kings Bench and Marshalsea &c. so as there be sent out of every County yearly twenty shillings at the least to the said Prisoners of the Kings Bench and Marshalsea, 14 Eliz. Cap. 5. § 37. N. 1. & 43 Eliz. Cap. 2. § 14. N. 1.	§ 11. N. 1.
Account.	And every such Constable shall pay over the same viz. Collections of Tax for the Poor ) to two such Justices of the Peace or to one of them, as shall be by the more part of the Justices of Peace of the County elected to be Treasurers of the said Collection, which Treasurers in every County so chosen, shall continue but for the space of one whole year, and then give up their Charge, with a due Account of their Receipts and Disbursements at their meeting in the Quarter Sessions to be holden after the Feast of Easter in every year, to such others as shall from year to year in form aforesaid, successively be elected, 43 Eliz. Cap. 2. § 14. N. 3. 4.	§ 11. N. 3.
Justices.	And that, &c. from time to time it shall and may be lawful, to and for the Justices of the Peace of any County or City in this Realm, or the Dominions of Wales, assembled at any Quarter Sessions of the Peace within the same County, City, Borough or Town Corporate, or the more part of them, to set down order, to erect or cause to be erected one or more Houses	C. 4. § 1. N. 2

Houses of Correction within their several Counties or Cities.

- § 1. N. 3. For the doing and performing whereof, and for the Providing of Stocks Imprison-  
of Whom and all other things necessary for the same, and for the raising ment.  
and governing of the same, and for the Correction and Punishment of  
Offenders thither to be committed, such Orders as the same Justices or  
the more part of them shall from time to time take, reform or set down  
in any their said Quarter Sessions in that behalf, shall be of force, and  
be duly performed and put in Execution.
- § 3. N. 1. And be it Enacted, &c. that every person which is by this present Act Poor.  
declared to be a Rogue, Vagabond or sturdy Begger, which shall be, &c.  
taken begging, vagrant wandering or misordering themselves in any  
part of this Realm or the Dominions of Wales, shall upon their Appre-  
hension, by the Appointment of any Justices of the Peace, Constable,  
Head borough or Tithing-man of the same County, Hundred, Parish  
or Tithing where such person shall be taken, &c. be stripped naked from  
the middle upwards, and shall be openly whipped until his or their Body  
be bloody.
- § 4. N. 1. Provided always, and be it Enacted, if any of the said Rogues shall Imprison-  
appear to be dangerous to the Inferior sort of People where they shall be ment.  
taken, or otherwise be such as will not be reformed of their Roguish kind  
of Life by the former Provisions of this Act, that in every such Case, it  
shall and may be lawful to the said Justices of the limit where any such  
Rogue shall be taken, or any two of them, whereof one to be of the Quorum,  
to commit that Rogue to the House of Correction, or otherwise to the Goal  
of the County, there to remain until the next Quarter Sessions to be  
holden in that County.
- § 8. N. 1. Provided always, that the Justices of Peace within any County of Franchise,  
this Realm or Wales, shall not intromit or enter into any City, Borough  
or Town-Corporate where be any Justice or Justices of the Peace for any  
such City, Borough or Town-Corporate, for the Execution of any Branch,  
&c. of this Act, for or concerning any Offence, Matter or Cause grow-  
ing or rising within the Precincts, Liberties or Jurisdiction of such City,  
Borough or Town-Corporate, 39 Eliz. Cap. 3. § 6. N. 1. 43 Eliz. Cap. 2.  
§ 9. N. 1.
- § 12. N. 1. And be it also further Enacted, &c. that any two or more Justices of Justices,  
the Peace within all the said several Shires, Cities, Boroughs or  
Towns-Corporate, whereof one to be of the Quorum, shall have full  
Power by the Authority of this present Act, to hear and determine all  
Causes that shall come in question by reason of this Act.
- C. 11. § 2. N. 2. And if upon the same Examination they (viz. any Justice of Peace) Drapery.  
shall find any person, &c. to have used or caused to be used in the dying or  
colouring of any Cloth, Wool, Yarn, Grograin, Buffins or Silk, or  
any thing made of Woollen Yarn or Silk, any Logwood alias Block-wood,  
or now or heretofore reputed and taken for Logwood alias Block-wood,  
then the said Justices or Justice, Mayor, Bailiffs or other Head Officer  
being a Justice of Peace, shall not only bind with Surety all such, &c.  
whom they shall find so suspected to have offended, and such others as may  
discover the same Offence to the next Quarter Sessions, or Goal-delivery  
which shall happen to be holden for that County, City or Town-Corporate,  
but also to certify all such Examinations and Depositions as tend to the  
finding out or discovery of the said Offences, at the Goal-delivery or  
Quarter Sessions.
- C. 12. § 1. N. 9. (viz. that 5 Eliz. Cap. 4. § 15) hath not been duly executed, &c. by Apprentices,  
reason of Ambiguity, and Question have risen and been made, whether  
the raising of all manner of Artificers, Work-men and Workwomen, his  
or their Wages other than such as by some Statute and Law have been  
rated, or else such as did work about Husbandry, forasmuch as the said  
Law hath been found beneficial for the Common-wealth, 1. Jac. Cap. 6.  
§ 2. N. 2.
- § 2. N. 1. Be it Enacted, that the said Statute (viz. 5 Eliz. Cap. 4. § 15. N. 3. 4.) Forcible  
and the Authority by the same Statute given to any person or persons for  
assessing and rating of Wages, and the Authority to them in the said Act  
committed, shall be expounded and construed, and shall by force of this Act,  
give

give Authority to all persons having any such Authority to rate wages of any Laborers, Weavers, Spinners, and Work-men or Work-women whatsoever, either working by the Day, Week, Month, Year, or taking any Work at any person or persons hand whatsoever, to be done, 1 Jac. Cap. 6. § 3. N. 1.

And whereas in divers Shires within this Realm, the Justices of Peace have not usually kept their general Sessions in one Place of the Shire together, but the general Sessions have been kept in several Places for several Divisions, by reason whereof, the most part of the Justices of the Peace coming not together, nor rating of wages could well be made in the said Shire where such general Sessions have been used, 1 Jac. Cap. 6. § 4. N. 1.

Justices.

Be it Enacted, &c. that the most Justices of Peace, or the more part of them resident in such Division in any Shire within this Realm where such Sessions have been usually severally kept, shall at the same Sessions, or at such time of rating of wages as is limited by the said Act, &c. (viz. 5 Eliz. Cap. 4. § 15. N. 6.) have as full Authority and Power to rate all manner of wages to be rated within the limits of such Division in any such Shire, as if the same were done in the general Sessions for the said County, or by the most part of the Justices meeting for the rating of wages by the said Act, 1 Jac. Cap. 6. § 5. N. 1.

Certificate.

And be it further Enacted, that no person, &c. shall incur any Danger or Penalty for not making Certificate into the, &c. Chancery, of any rates of wages appointed to be Certified by the said Act, (viz. 5 Eliz. Cap. 4. § 15. N. 6.) 1 Jac. Cap. 6. § 8. N. 1.

Fees.

But the said Rates ingrossed in Parchment and sealed, &c. shall, if the same be in any Shire, be kept by the Custos Rotulorum of the said County amongst the Records in his Custody for the said Shire, and in any City or Town-Corporate amongst the Records of the said City or Town-Corporate, 1 Jac. Cap. 6. § 8. N. 2.

Corn.

Whereas greater quantity of Mault is daily made than either in time past was or is now needful, Be it Enacted, &c. that from time to time, and at all times hereafter, it shall and may be lawful for the Justices of Peace within this Realm in their open Quarter Sessions, to suppress discharge or restrain the superfluous and unnecessary number of Walliers in part or in whole, and also to restrain such, &c. as to their Discretions shall seem meet, from the buying of Barly to convert into Mault in part or in all, for such time, &c. as to their discretions shall seem meet.

Poor.

And be it further Enacted, that it shall be lawful for the Justices of Assizes, Justices of Goal-delivery and the Justices of Peace of every County, and all Justices of Peace in Towns-Corporate having Authority to hear and determine Felonies, to hear and determine all such Offences (viz. of wandering idle souldiers and Mariners hereby made Felony without Clergy) in their General Sessions.

Mettle.

The same (viz. three shillings forfeit by carriage from Iron Mills between the first of May and the twelfth of October) to be levied after default of payment thereof (viz. to Justice of Peace near adjoining to Annoyance of way) by such Justice of Peace, or assignee by way of distress of any of the Goods and Chattels remaining in the said County of such person as so should have paid such sums.

Drapery.

And, &c. it may be also Enacted, that every Justice of Peace, Head-Constable or other the Overseers, &c. (viz. of Northern Cloths) shall have full Power, &c. to enter in or upon any the Messuages, &c. of any person, &c. to search for any such Centers of what sort or kind soever, or any manner of Ropes, Rings, Heads, Winches or other Engines whatsoever, whereby any falsehood or deceit may be used in or about the stretching and straining of any the said Cloths, Kerseys, Dozens, Frizes, Cottons, Pennistones, Kighlep, Whites or any other Cloth by what name or names soever they be called, or any of them.

Process.

And that the said Justices of Peace in the Quarter Sessions, shall and may inquire, hear and determine every Fault or Offence, &c. except the Offences, &c. made by the Justices of Peace, by Presentment, Bill or Information, and upon proof thereof made by two sufficient Witnesses

§ 2. N. 2.

§ 2. N. 3.

§ 3. N. 1.

§ 3. N. 2.

Cap. 15.

C. 17. § 4. N. 1.

C. 19. § 3. N. 2.

C. 20. § 8. N. 1.

§ 10. N. 2.



openly given to the Jury, and then to give Order for the Execution of this Statute.

- 43 *Eliz. C. 7.* Be it therefore Enacted, &c. that all and every such lewd person, &c. Trespas,  
 § 1. N. 2. which, &c. shall cut, or unlawfully take away any Corn or Grain grow-  
 ing, or rob any Orchards or Gardens, or break or cut any Hedges, Pales,  
 Rails or Fence, or dig, or pull up or take up any fruit-Tre or Trees in  
 any Orchard, Garden or elsewhere, to the intent to take and carry the same  
 away, or shall cut or spoil any Woods or Under-woods, Poles or Trees  
 standing, not being Felony by the Laws of this Realm.
- § 1. N. 3. And their Procuro<sup>r</sup> and Procuro<sup>rs</sup>, Receiver or Receivers knowing the Accessory,  
 same.
- § 1. N. 4. Being thereof lawfully convicted by the Confession of the Party, or Proof.  
 by the Testimony of one sufficient Witness upon Oath, before some one  
 Justice of Peace, Mayor, &c. of the County, City or Town-Corpo-  
 rate.
- § 1. N. 5. Which said Justice or other Head-Officer, shall have Power by force of Oath.  
 this Statute, to minister the said Oath where the Offence shall be com-  
 mitted, or the Party offending apprehended.
- § 1. N. 6. Shall give the Party, &c. such recompence and satisfaction, &c. as Damages,  
 by any one Justice, of Peace &c. shall be ordered and appointed, and the  
 same to be only for the first Fault.
- § 1. N. 8. And for every such Offence, &c. Etssons committed, the person, &c. Justices,  
 so offending, to receive the said punishment of whipping, (viz. if the Justice  
 think him unable to satisfy, &c.)
- § 2. N. 1. And be it Enacted, &c. that if any Constable or other inferior Officer Process.  
 do refuse, or do not at the Commandment of any Justice of Peace or other  
 Head-Officer, execute by himself or some other to be by him appointed,  
 upon the Offender, the Punishment limited by this Statute, that in that  
 Case it shall and may be lawful for the said Justice of Peace, to commit  
 the Constable or other inferior Officer so refusing, &c. to the Common  
 Goal, &c. there to remain without Bail or Mainprize until the said Of-  
 fender, &c. be by the said Constable, &c. punished and whipped, &c.
- § 3. N. 1. Prohibited always, that no Justice of Peace or other Head-Officer do Justices,  
 execute this Statute for any the Offences aforesaid done unto himself,  
 unless he be associated and assisted with one or more other Justices of Peace  
 whom the Offence doth not concern.
- C. 13. § 4. N. 1. Be it, &c. Enacted, that every Clerk of the Peace within every of the Outlawry.  
 said Counties, (viz. Cumberland, Northumberland, Westmerland and Dur-  
 ham) shall within the space of two Months next after any Outlawry  
 within any of the said Counties, deliver or cause to be delivered by Writing  
 under his Hand, the Names of all and every such as are or shall be here-  
 after out-lawed within their several Counties, to all and every the Sher-  
 riffs of the said several Counties.
- § 5. N. 1. And be it further Enacted, that the Justices of Assize within any of Coron.  
 the said Counties, Justices of Goal-delivery, Justices of Oyer and Ter-  
 miner or Justices of Peace within any of the said Counties, at any of  
 their General Sessions, shall have full Power and Authority by virtue  
 of this Act, to inquire, hear and determine of the Offences and Defaults  
 of the said Sheriffs, Mayors, Bailiffs, Aldermen and other Officers,  
 and of the Clerks of the Peace within the said Counties (viz. in proceeding  
 against Robbers, Felons, &c.) and proceed against them by Information  
 or Indictment, and punish them by Fine, Imprisonment or otherwise as  
 they shall think fit.

## Statuta Jac.

Drapery.

**A**D that if the said Offence, &c. of not paying so much or so great Wages to their said Workmen, &c. (viz. Clothiers, &c.) shall be confessed by the Offender, or that the same shall be proved by two sufficient and lawful Witnesses before the Justices of Peace in their Quarter Sessions of the Peace, the Justices of Assize in their Sessions or before any two Justices of Peace, wherof one to be of the Quorum, that then every such person shall forthwith stand and be in Law convicted thereof

Justices.

Provided nevertheless, and be it Enacted, &c. that no Clothier being a Justice of Peace in any Precinct or Liberty, shall be any Rater of any Wages for any Weaver, Tuckor, Spinster or any other Artizan that dependeth upon the making of Cloth.

Fees.

And in Case there be not above the number of two Justices of Peace within such Precinct or Liberty, but such as are Clothiers, that in such Case the same Wages shall be rated and assessed by the major part of the Common-Council of such Precinct or Liberty, and such Justice and Justices of Peace (if any there be) as are not Clothiers.

Ale.

(Viz. Inn-Keeper, Ale-house Keeper or Victualler to forfeit Ten Shillings for suffering Tipling, &c.) The same Offence being viewed and seen by any Mayor, Bailiff or Justices of Peace within their several Limits, or proved by the Oath of two Witnesses, to be taken before any Mayor, Bailiff or any other Head-Officer, or any one or more, &c. Justices of the Peace, who by virtue of this Act shall be authorized to minister the said Oath to any, &c. that can or will justify the same, bring within the limits of their said Commission.

Imprisonment.

And for want of sufficient Distress, (viz. for the Penalties, &c.) the Party, &c. offending, to be by the Mayor, Bailiff or other Head-Officer, or Justice, &c. committed to the Common-Goal, there to remain until the said Penalty, &c. be truly paid.

Franchise.

Provided always, and be it Enacted, &c. that the Correction and Punishment of such as shall offend against this Act or any part thereof, within either of the two Universities of this Realm, or the Precincts or Liberties of the same shall be done upon the Offenders, and Justice shall be administered in this behalf, according to the intent and true meaning of this Law, by the Governors, Magistrates, Justices of the Peace or other Principal Officers of either of the same Universities, to whom in other Cases the Admission of Justice, and Correction and Punishment of Offenders, by the Laws of this Realm and their several Charters doth belong or appertain.

Leather.

And for the better Execution of this Act (viz. of Tanners, Curriers, Cord wayners, Shoe-makers, Sadlers Coachmakers, &c.) be it further Enacted, that all Justices of Assize, Justices of Goal delivery, Justices of Peace and Stewards of Franchises, Vets and Law-days within their several Jurisdictions and Liberties, Precincts, Offices and Authorities, shall inquire of all the Premises in their Sessions, Act or Law-day, and hear or determine the same, and also by their discretions examine all persons suspected to offend this Act or any parcel thereof, § Eliz. Cap. 8. § 40. N. 1.

Fowl.

And the same Offence, &c. (viz. destroying Pheasant, Partridge, &c. with Guns, or Bows, or Nets, or Setting Dogs, &c.) being proved by the Confession of the Party, or by the Testimony of two sufficient Witnesses upon Oath before two or more Justices of the Peace of the same County, City or Town-Corporate wherein the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of Peace for every such Offence, committed, &c. for three Months, &c. unless the said Offender do, or shall forthwith upon the said Conviction pay, &c. to the use of the Poor of the same Parish, the sum of 20 s. for every Pheasant, Partridge,

tridge, House-dove, Pidgeon, Hern, Mallard, Duck, Teale, Widgeon, Goose, Heath Rook, More-game or any such fowle, and for every Egg of Pheasant, Partridge or Swans, and for every Hare which any and every such person, &c. shall take, kill, or wilfully destroy contrary to the true purport, &c. of this Statute.

§ 5. N. 2. And that all Justices of Assize in their several Circuits, and all Justices of Peace in their general Quarter Sessions, and any two Justices of Peace or more together out of any Sessions, shall and may by force of this present Act, have full Power and Authority to examine, hear, punish and determine all Offences to be committed against this present Statute, and to administer Oath as aforesaid, and perform and execute all and every Act and Thing, fit or requisite for the due Execution of this present Act. Justices.

§ 7. N. 1. And be it also further Enacted, &c. that it shall and may be lawful, to and for every person, &c. keeping any Hawk, &c. which at the general Quarter Sessions of the County where he and they shall dwell, and shall be licensed to shoot Hail-shot in Hand guns or Birding pieces, at Crow, Chough, Ppe, Rook, Kingdove, Jay or smaller Birds, for Hawks meat only, to shoot and kill Hawks meat, according to the said Licence only. Licence.

C. 29. § 3. N. 1. And be it further Enacted, that all Justices of the Peace, Mayors, Fish. Bailiffs, Head-Officers and Constables as well of Cities and Towns Corporate as in every County of this Realm, shall have Power and Authority by force of this Act, yearly in the time of Lent, to enter into all houses of Victuallers and common victualling houses within their Jurisdictions where such Offences (viz. dressing Flesh contrary to 5 Eliz. Cap. 5, § 4. N. 1.) shall be committed.

C. 31. § 2. N. 1. Be it therefore Enacted, &c. that the Mayors, Bailiffs, Head-Officers and Justices of Peace of every City, Borough, Town Corporate and Places privileged, where any, &c. are or shall be, or any two of them, shall have Power and Authority from time to time, to tax and assess, all and every Inhabitant and all houses of Habitation, Lands and Tenements within the said City, &c. or the Liberties or Precincts thereof, at such reasonable Taxes and Payments as they shall think fit, for the reasonable relief of such persons infected, or inhabiting in houses and places infected in the same Cities, Boroughs, Towns Corporate and Places privileged. Pcor.

§ 3. N. 5. And (viz. the Forfeiture for Recusants not receiving the Sacrament, &c.) to be recovered in any of the Kings Courts of Record at Westminster, or before Justices of Assize or Goal-delivery, or before Justices of Peace at their general Quarter Sessions, by Action of Debt Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law shall be allowed. Religion.

§ 4. N. 1. And be it further Enacted, &c. that the Church-wardens and Constables of every Town, Parish or Chappel for the time being, or some one of them, or if there be none such, then the Chief Constables of the Hundred, where such Town, Parish or Chappel is or shall be, or one of them, as well in Places Exempt as not Exempt, shall once in every year present the Monthly absence from Church, of all, and all manner of Popish Recusants within such Towns and Parishes. Indictment

§ 4. N. 2. And shall present the Names of every of the Children of the said Recusants, being of the Age of nine years and upwards, abiding with their said Parents, and as near as they can the Age of every of the said Children, as all the names of the Servants of such Recusants at the general or Quarter Sessions of that Shire, Limit, Division or Liberty. Infant.

§ 5. N. 1. And be it further Enacted, &c. that all such Presentments shall be accepted, entered and recorded in the said Sessions, by the Clerk of the Peace, or Town-Clerk for the time being, or his Deputy, without any Fee to be had, asked or taken for the same. Peace.

§ 7. N. 1. And be it further Enacted, &c. that the Justices of Assize and Goal-delivery at their Assizes, and the said Justices of Peace at any of their said Sessions, shall have Power and Authority by virtue of this Act, to inquire, hear and determine of all Recusants and Offences, as well for Pope.



for not receiving the Sacrament, &c. as for not repairing to Church according to the meaning of former Laws, in such manner and form as the said Justices of Assize and Goal-delivery, do or may do by former Laws in Case of Recusancy, for not repairing to Church.

Justices.

And also shall have Power at their Assizes and Goal-delivery, and at the Sessions, ( in which any Indictment against any person, either for not repairing to Church according to former Laws, or not receiving the said Sacrament according to this Law, shall be taken ) to make Proclamation, by which it shall be commanded, that the Bodyes every such Offender shall be rendred to the Sheriff of the same County, or Bailiff, or other Keeper of the Goal of the Liberty, before the next Assizes and general Goal-delivery, or before the next general or Quarter Sessions respectively to be holden for the said Shire, Limit, Division or Liberty.

§ 7. N. 2.

Process.

And if at the next Assizes and general Goal-delivery, or Sessions, the same Offender so proclaimed shall not make appearance of Record, that then upon every such Default Recorded, the same shall be as sufficient a Conviction in Law of the said Offence whereof the Party shall stand Indicted as aforesaid, as if upon the same Indictment a Trial by Verdict thereupon had proceeded, and been found against him or her and Recorded.

§ 7. N. 3.

Certificate.

And that every Conviction recorded for any Offence before mentioned, shall from the Justices before whom the Record of such Conviction shall be remaining, be certified into the Kings Majesties Court of Exchequer before the end of the Term following, such Conviction in such convenient certainty for the time and other Circumstances, as the Court of Exchequer may thereupon award out Process for the Seizure of the Lands and Goods of every such Offender, as the Cause shall require.

§ 9. N. 1.

Ordinary.

Be it also Enacted, &c. that, &c. it shall be lawful to and for any Bishop in his Diocess, or any two Justices of Peace, whereof one of them to be of the Quorum, within the limits of their Jurisdiction out of the Sessions, to require any person of the Age of Eighteen years or above, being, or which shall be convicted or indicted of or for any Recusancy, other than Noble-men or Noble-women, for not repairing to Divine Service, according to the Laws of this Realm.

§ 13. N. 2.

Religion.

Or which shall not have received the said Sacrament twice within the year then next past, Noble-men and Noble-women excepted.

§ 13. N. 3.

Oath.

Or any person passing in or through the County, Shire or Liberty and unknown, except, as is last before excepted, that being examined by them upon Oath, shall confess or not deny him or her self to be a Recusant, or shall confess or not deny that he or she had not received the Sacrament twice within the year then last past, to take the Oath hereafter following, &c. ( viz. of Allegiance. )

§ 13. N. 4.

Certificate.

Which said Bishop or two Justices of the Peace, shall certify in Writing subscribed with his or their Hands, at the next general or Quarter Sessions for that Shire, Limit, Division or Liberty within which the said Oath shall be so taken, the Christian-name, Surname and Place of abode of every person which shall so take the said Oath, which Certificate shall be there recorded by the Clerk of the Peace or Town-Clerk, and kept amongst the Records of the said Sessions.

§ 13. N. 5.

Imprisonment.

And be it further Enacted, that if any such person, &c. other than Noble-men or Noble-women, shall refuse to answer upon Oath to such Bishop or Justices of the Peace examining him or her as aforesaid, or to take the said Oath ( viz. of Allegiance ) so duely tendred unto him or her by such Bishop, or two such Justices of Peace out of Sessions, that then the said Bishop or Justices of Peace, shall and may commit the same person to the common Goal, there to remain without Bail or Mainprize until the next Assize, or General or Quarter Sessions to be holden for the said Shire, Division, Limit or Liberty.

§ 14. N. 1.

Oath.

Where the said Oath ( viz. of Allegiance ) shall be again in the said open Assizes or Sessions, required of such person by the said Justices of Assize or Justices of Peace then and there present, or the greater number of them.

§ 14. N. 2.

And

- § 14. N. 3. And if the said person or persons, or any other person whatsoever, Forfeiture, other than Noble men or Noble women of the Age of sixteen years or above, shall refuse to take the said Oath, ( viz. of Allegiance ) being tendered unto him or her by the Justices of Assize and Goal-delivery in the open Assizes, or the Justices of Peace, or the greater part of them in their said general or Quarter Sessions, every person so refusing, shall incur the Danger and Penalty of Premunire, ( viz. 16. Rich. 2. Cap. 5. § 2. N. 6 )
- § 14. N. 4. Except Women Convert, who upon refusal of the said Oath, ( viz. of Women, Allegiance ) shall be by the said Justices of Assize in their open Assize, or Justices of Peace in their general or Quarter Sessions for the said Offence, committed only to the Common Goal, there to remain without Bail or Mainprize till they will take the said Oath.
- § 24. N. 1. Provided nevertheless, that the last mentioned Clause, &c. ( viz. of Pope, Reconciliation to Rome ) shall not extend, &c. to any person or persons whatsoever, which shall hereafter be reconciled to the Pope or See of Rome, &c. ( for and touching the point of so being reconciled only ) that shall return into this Realm, and thereupon within six days next after such Return, before the Bishop of the Diocese, or two Justices of the Peace jointly or severally, of the County where he shall arrive, submit himself to his Majesty and his Laws, and take the Oath, &c. ( viz. 1 Eliz. Cap. 1. § 19. N. 4. of Supremacy ) as also the Oath before set down, &c. ( viz. of Allegiance. )
- § 24. N. 2. Which said Oaths, ( viz. of Supremacy and Allegiance ) the said Bishop Oath, and Justices respectively, shall have Power and Authority by this present Act, to minister unto such persons as aforesaid.
- § 24. N. 3. And the said Oaths so taken, the said Bishop and Justices before Certificate, whom the said Oaths shall be so taken respectively, shall certify at the next general or Quarter Sessions of the Peace to be holden within the said Shire, Limit, Division or Liberty wherein such person as aforesaid shall submit himself and take the said Oaths as aforesaid, upon Pain of every one neglecting to certify the same as aforesaid, the sum of forty pounds.
- § 25. N. 1. And be it further Enacted, that all, &c. that shall offend contrary to this present Branch of this Statute, shall be indicted, tried, and proceeded against, by and before the Justices of Assize and Goal-delivery of that County for the time being, or before the Justices of the Court of Kings Bench, &c. Justices.
- § 27. N. 1. And be it further Enacted, that if any Subject of this Realm, &c. Religion, shall not resort or repair every Sunday to some Church, Chappel or some other usual Place appointed for Common Prayer, and there hear Divine Service according to the Statute, &c. ( viz. 1 Eliz. Cap. 2. § 14. N. 1. ) that then it shall and may be lawful, to and for any one Justice of Peace of that Limit, Division and Liberty wherein the said Party shall dwell, upon proof unto him made of such Default, by Confession of the Party or Oath of Witnesses, to call the Party before him.
- § 27. N. 2. And if he or she shall not make a sufficient Excuse and due proof thereof, to the satisfaction of the said Justice of Peace, that it shall be lawful for the said Justice of Peace to give Warrant to the said Church-warden of the said Parish wherein the Party shall dwell, under his Hand and Seal, to levy 12 d. for every such Default by distress and sale of the Goods of every such Offender, &c. Proof.
- § 27. N. 3. And that in default of such distress, it shall and may be lawful for the Justices, said Justice of Peace, to commit every such Offender to some Prison within the said Shire, Division, Limit or Liberty wherein such Offender shall be inhabiting, until payment be made of the said sum or sums so to be forfeited.
- § 36. N. 2. And all Offences other than Treason, shall be inquired, heard and determined before the Justices of Peace, in their general or Quarter Sessions to be holden within the Shire, Division, Limit or Liberty wherein such Offence shall happen. Offence.
- § 1. N. 5. And such person so discovering the same, ( viz. any Recusant, or other which shall entertain or relieve any Jesuit, Seminary, Popish Priest or any Mass, to any Justice of Peace ) after Conviction of the Offender, shall have a Certificate. Pope.

Certificate from the Judges or Justices of Peace before whom such Conviction shall happen to be, directed to the Sheriff or other Officer of the same County, Limit or Place that shall seize the Goods or leavy the said Forfeiture, commanding the said Sheriff or other Officer to pay the same (viz. Fifty Pounds) to him that so discovered the same, out of the monies to be leavyed by vertue of the said Forfeitures, &c.

Licence.

And if any of the persons which are so confined (viz. Popish Recusants) &c. shall have necessary occasion or business to go and travail out of the compass of the said five Miles, that then and in every such Case, upon Licence in Writing in that behalf to be gotten under the Hands and Seals of four of the Justices of Peace of the same County, Limit, Division or Place next adjoining to the Place of abode of such Recusant, with the Privy and Assent in Writing of the Bishop of the Diocess, or of the Lieutenant, or of any Deputy Lieutenant of the same County residing within the said County or Liberty, under their Hands and Seals.

§ 7. N. 2.

Oath.

It shall and may thereupon be lawful for every such person so licensed, to go and travail about such their necessary business, and for such time only for their travelling attending and returning as shall be comprized in the said Licence, the said Party so licensed first taking his Corporal Oath before the said four Justices of Peace or any of them, (who shall have Authority by vertue of this Act to punish the same) that he hath truly informed them of the cause of his Journey, and that he shall not make any causeless stays.

§ 7. N. 4.

Ouster le  
mere,

Be it further Enacted, &c. that if any of the said persons (viz. Popish Recusants, no Merchants, Factors, Apprentices, Souldiers nor Mariners) so gone beyond the Seas without Licence which are not yet returned, shall not within six Months next after their return into this Realm, then being of the Age of eighteen years or more, take the Oath, &c. (viz. of Allegiance) before some Justice of Peace of the County, Liberty or Limit where such person shall inhabit or remain, that then every such Offender shall take no Benefit by any Gift, Conveyance, Discent, Devise or otherwise, of or to any Lands, Tenements, Hereditaments, Goods or Chattels, until he or they being of the said Age of eighteen years or above, take the said Oath.

§ 17. N. 2.

Justices.

And that it shall be lawful for any two Justices of Peace within the Limits of their Jurisdiction or Authority, and to all Mayors, Bailiffs and chief Officers of Cities and Towns Corporate in their Liberties, from time to time to search the Houses and Lodgings of every Popish Recusant convicted, or of every person whose Wife is or shall be a Popish Recusant convicted, for Popish Books and Reliques of Popery.

§ 26. N. 1.

Pope.

And that if any Altar, Pix, Beads, Pictures or such like Popish Reliques, or any Popish Book or Books shall be found in their or any of their Custody, as in the Opinion of the said Justices, Mayors, Bailiffs or Chief Officer as aforesaid, shall be thought unfit for such Recusant as aforesaid, to have or use the same, shall be presently defaced and burnt, if it be met to be burned.

§ 26. N. 2.

Religion.

And if it be a Crucifix, or other Relique of any Piece, the same to be defaced at the general Quarter Sessions of the Peace in the County where the same shall be found, and the same so defaced to be restored to the Owner again.

§ 26. N. 3.

War.

And be it also Enacted, &c. that all such Armoz, Gun-powder and Munition of whatsoever kinds, as any Popish Recusant convicted within this Realm of England hath or shall have in his house, &c. or elsewhere, or in the Hands or Possession of any other, at his or their disposition, shall be taken from such Popish Recusant by Warrant of four Justices of Peace at their general or Quarter Sessions to be holden in the same County where such Popish Recusant shall be resident (other than such necessary Weapons as shall be thought fit by the said four Justices of Peace) to remain and be allowed for the defence of the person or persons of such Recusant, or for the defence of his, her or their house or houses.

§ 27. N. 1.

Justices.

And that the said Armoz and Munition so taken, shall be kept and maintained at the Costs of such Recusants, in such places as the said four Justices of Peace at their said Sessions of Peace shall set down and appoint.

§ 27. N. 2.



§ 28. N. 1. And be it further enacted, &c. that if any such Accusant, &c. which Forfeiture, shall have any such Armoz, &c. shall refuse to declare or manifest unto the said Justices of Peace or any of them what Armoz he the or they have or shall have, or shall let, hinder or disturb the delivery thereof to any of the said Justices, or to any other person, &c. Authorized by their Warrant to take and seize the same, then every such person so offending, contrary to this Statute in this behalf, shall forfeit and lose to the Kings Majesty his Heirs and Successors, his and their said Armoz, &c. and shall also be Imprisoned by Warrant of or from any Justices of Peace of such County by the space of three months, without Bail or Mainprize.

C. 10. § 1. N. 2. Be it Enacted, &c. that all, &c. that &c. shall be Committed to the Imprisonment, Common or usual Goal, within any County or Liberty within this Realm by any Justice or Justices of the Peace for any offence or misdemeanour to any such Goal, that the said person, &c. so to be committed, &c. having means or ability thereunto shall bear their own reasonable charges for so conveying or sending them to the said Goal, and the charges also of such as shall be appointed to Guard them to such Goal, and shall so Guard them thither.

§ 1. N. 3. And if any such person, &c. so to be committed, &c. shall refuse at Process, the time of their commitment, and sending to the said Goal to defray the said charges, or shall not then pay or bear the same, that then such Justice or Justices of the Peace, shall and may by writing under his or their Hand and Seal, or Hands and Seals, give Warrant to the Constable, &c. of the Hundred, or Constable, or Tpythingman of the Tpything or Township where such person or persons shall be dwelling and Inhabit, or from whence he or they shall be committed as aforesaid, or where he or they shall have any Goods within the County or Liberty to sell such, and so much of the Goods and Chattels of the said persons, so to be committed as by the discretion of the said Justice or Justices of the Peace, shall satisfy and pay the charges of such his or their conveying and sending to the said Goal, the appraisement to be made by some of the honest Inhabitants of the Parish, or Tpything where such Goods or Chattels shall remain and be, and the overplus of the money which shall be made thereof to be delivered to the party to whom the said Goods shall belong.

§ 2. N. 1. And be it further Enacted, &c. that if the said person, &c. so to be committed, &c. shall not have or be known to have any Goods or Chattels, which may be sold for the purpose aforesaid within the County or Liberty, that then an indifferent Tax or assessment shall be made by the Constables and Church-wardens, and two or three other the honest Inhabitants of the Parish, Township, or Tpything, where the said Offender, &c. shall be taken or apprehended, the said Taxation being allowed under the hand of one or more Justice or Justices of the Peace, if there be such Constables or Church-wardens there Inhabiting, and in default of them, by four of the principal Inhabitants of the said Parish, Township or Tpything, where such Offenders shall be taken or apprehended.

§ 2. N. 2. And if any so Taxed or assessed, shall refuse to pay their said Taxation, then the Justice or Justices by whom the said offenders shall be committed, &c. or any other Justice of Peace near adjoining shall and may give Warrant as aforesaid, to the Constable, Tpythingman, or other Officer there, to distrain the Goods of any so assessed, which shall refuse to pay the same, and to sell the same.

C. 12. § 2. N. 3. The said forfeitures, (viz. For Fishing within five Miles of Haven with Fish. Net under three Inches mesh, &c.) to be leyped, &c. by the Mayor, Bailiff, or other Head-Officer of every City, Borough or Town Corporate, and by Warrant of one or more Justices of Peace, &c.

C. 13. § 3. N. 1. And be it likewise Enacted, &c. that the Justices of Oyer and Terminer, Justices of Assize in their Circuits and Justices of Peace and Goal delivery in their Sessions, shall by virtue hereof have power and Authority to enquire hear and determine all and singular the said offences (viz. Of breaking Grounds inclosed in the day, or killing Deer or Con-

nies in the night ) by Examination of the Offenders, and to make and award Proceſſes thereupon, as well upon Indictments taken before them, as by Bill of Complaint, Information or any other Action, in which Suit or Action, no Eſtopp, Wager of Law or Protection ſhall be allowed.

Damages.

And be it alſo Enacted, &c. that it ſhall and may be lawful to the Party grieved, to ſue and take his further remedy againſt all and every ſuch Offender, &c. ( viz. in breaking Grounds incloſed in the day, or killing Deer or Conies in the night, &c. ) for his loſs and damages, and to recover the treble value of the ſame in that behalf, as well before the Juſtices of Oyer and Terminer, Juſtices of Aſſize in their Circuits, and Juſtices of Peace and Goal delivery in their Sessions or elſewhere in any other the Kings Majesties Courts of Record at Weſtminſter.

§ 4. N. 1.

Behavior.

And that upon true ſatisfaction of the ſaid treble Damages to the Party grieved, or upon the Confeſſion or Acknowledgement thereof by the ſaid Party offending, before the Juſtices in open Sessions holden for the County wherein the ſame Offence ſhall be committed, it ſhall be at the liberty of the ſaid Party grieved to whom the ſaid Offence ſhall be committed, to releaſe at his pleaſure the Surety ſhip of the Good behavior at any time within the ſaid ſeven years or before, &c.

§ 4. N. 2.

Releaſe.

And be it further Enacted, &c. that if any, &c. at any time hereafter ſhall fortune to be bound before any the Juſtices before mentioned, to the King his Heirs or Succeſſors for his or their good abearing for ſeven years, &c. and the ſame Party ſo bound, ſhall afterwards within the ſaid ſeven years come before the Juſtices of Peace of the ſaid County where the Offence was committed or ſome of them, in open Quarter Sessions, and there in the ſaid Sessions confeſs and acknowledge his or their ſaid Offence, &c. and that he or they is or are ſorry therefore, and ſatisfie the Party or Parties grieved according to the tenor of this Act; that then the ſame Juſtices before whom the ſaid Confeſſion ſhall be ſo made, ſhall and may have Power, &c. in the ſame open Sessions, or in any other Sessions afterwards to be holden before the ſaid Juſtices in the ſaid County within the ſaid Term of Seven Years, if it ſhall ſeem good in their diſcretions to diſcharge the ſaid Recognizance and Bond ſo taken, and alſo the ſaid Party and Parties ſo bound, &c.

§ 6. N. 1.

Ways.

And that the Juſtices of Peace or any four of them in either of the ſaid Counties, whereof one to be of the Quorum, ſeverally and reſpectively, ſhall have Power and Authority by this Act, to tax, aſſeſs and rate all and every the Inhabitants of the ſaid ſeveral Counties of Gloceſter and Monmouth, ſeverally and reſpectively as well within Liberties as without, to ſuch reaſonable ſum and ſums of money from time to time as to the ſaid Juſtices or any four of them in either of the ſaid Counties ſeverally and reſpectively, whereof one to be of the Quorum, ſhall be thought fit, needful and convenient for the building, new making up and erecting of the ſaid Bridge, ( viz. of Chepſtow ) and for the continual reparation thereof.

C. 23. § 4. N. 3.

Ways.

And be it further Enacted, &c. that the Juſtices of Peace of the ſaid County of Worceſter, or any three, four or more of them to be nominated and agreed on by the Juſtices of Peace of the ſaid County or the more part of them in their general Quarter Sessions, ſhall have full Power and Authority from time to time as often as need ſhall require, untill the ſaid Bridge ( viz. over the Severn near Upton ) ſhall be fully reediſied, &c. to rate, tax and aſſeſs the ſaid County of Worceſter, and the ſeveral Hundreds, Towns, Pariſhes, Villages and Hamlets within the ſame, and every Inhabitant or Dweller within any the ſaid Hundreds, &c. other than the ſaid City of Worceſter and the Citizens aforeſaid concerning their Lands, Goods and Chattels aforeſaid, to ſuch reaſonable ſum and ſums of money, as to the ſaid Juſtices ſo nominated as aforeſaid, or any three, four or more of them ſhall be thought fit and convenient.

C. 24. § 3. N. 1.

Scotland.

And be it further Enacted, &c. that every Juſtice of Peace of the Counties aforeſaid ( viz. of Cumberland, Northumberland, Weſtmerland, &c. unto whom Complaint ſhall be made, ( viz. of Offences in England

Jac. Cap. 1.  
§ 28. N. 4.

England by Scots, or in Scotland by English) shall have full Power and Authority by vertue of this Act, to bind over by Recognizance in a convenient Sum taken to his Majesties use, as well the Party prosecuting, as any Witnesses which he shall desire to produce, so as the said Witnesses may have their reasonable charges first tendered unto them, to prosecute and give in Evidence before such his Majesties Justices as aforesaid, as the Case shall require, 7 Jac. Cap. 1. § 3. N. 1.

C. 4. § 2. N. 1. And be it further Enacted, &c. that all Offences to be done or committed contrary to the true meaning of this Act, (viz. of selling Ale without Licence, &c.) and all Penalties aforesaid, shall be inquired of, sued for, heard and determined in the Sessions of the Peace for the County, City or Borough, Town or Liberty, or in the Court of Record of the City, Borough, Town or Liberty wherein such Offence shall be committed, by Action of Debt, Information, Indictment or Presentment wherein no Essoyn, Protection or Wager of Law shall be allowed to the Defendant.

C. 5. § 2. N. 2. And if the said person, &c. so convicted (viz. of being drunk) shall refuse or neglect to pay, &c. (viz. 5 s.) then the same shall be from time to time levied of the Goods of every such person, &c. so refusing or neglecting to pay the same, by Warrant or Precept from the same Court, Judge or Justices before whom the same conviction shall be.

§ 2. N. 3. And if the Offender, &c. be not able to pay the said sum of five shillings, then the Offender, &c. shall be committed to the Stocks for every Offence, there to remain by the space of six hours.

§ 3. N. 1. And be it further Enacted, &c. that if any Constable, or any other inferior Officer of that Parish or Place where the Offence shall be committed, to whom that shall be given in Charge by the Precept of any Mayor, Bailiff, other Head-Officer or Justices of the Peace within their several Limits, do neglect the due Correction of the said Offender, or the due levying of the said Penalties where Distress may be had, then every person so offending shall forfeit the sum of ten shillings, &c. to be levied by way of distress by any other person, &c. having Warrant from any Mayor, Bailiff, or other Head-Officer, Justices of Peace or Court where any such Conviction shall be, &c.

§ 5. N. 2. Be it further Enacted, &c. that all the Offences in this and the said former Act (viz. 1 Jac. Cap. 9.) mentioned, (viz. selling Ale without Licence, being drunk, &c.) shall be from time to time diligently inquired of and presented before the Justices of Assizes in their Circuit, Justices of Peace in their Quarter or Ordinary Sessions, and before the Mayors, Bailiffs or other Head-Officers of every City or Town-Corporate who have Power to inquire of Trespases, Riots, Routes, forcers and such like Offences, and in every Court-Let, and thereupon such due proceeding shall be against the Offender, &c. for their due Conviction in that behalf as in such like Cases upon any Indictment or Presentment is used by the Laws of the Realm, or Customs of the City, Town or Place where such Presentment or Indictment shall be inquired of and found.

7 Jac. Cap. 1. § 3. N. 1. For the preventing, &c. (viz. of not sending English into Scotland. land for Offences there & Contra) Be it Enacted, &c. that if any time, &c. any person, &c. shall commit, &c. petty Treason, Murder, Manslaughter, Felonious burning of Houses and Corn, Burglary, Robbing of Houses by day, Robbery, Theft or Rape, and do or shall fly or escape into the Realm of England, and be or shall be apprehended, &c. within the Parts, &c. lying on the North-side of the River Tyne, &c. that then it shall and may be lawful to and for the Justices of Assize or any one of them in the absence of the other, the Justices of Goal-delivery at their Goal-delivery or any four of them, or the Justices of Peace in their General or Quarter Sessions or any four of them upon due and mature Examination of the said Offence, &c. in open Sessions, and



and pregnant proofs of the same by Warrant under their Hands and Seals to remand and send all and every such Offender, &c. into the Realm of Scotland, there to receive their Penal for any the Offences aforesaid by them there committed, any thing in the said Statute ( viz. 4 Jac. Cap. 1. § 37. N. 1. ) to the contrary thereof notwithstanding.

Apprentices And for the better Execution of this Act, be it further Enacted, &c. C. 3. § 6. N. 1. that all, &c. appointed by this Act to have the employing and disposing of any sum or sums of money so given or to be given as aforesaid, ( viz. for binding out Apprentices, &c. ) within any Town or Parish not Corporate, shall, &c. once every year in the latter week, or within one Month next after Easter day, make a true and perfect Account before four, three or two Justices of the Peace dwelling in or next to every of the said Towns or Parishes, of all such sum and sums of money as they or any of them have employed, in binding of Apprentices by virtue of this Act, and of all Bonds and Obligations taken for the payment thereof, and also of all such sums of money as then shall happen to be remaining in their hands not employed.

Poor. Which houses ( viz. of Correction ) shall be purchased, conveyed or assigned into such person or persons as by the Justices of Peace of the more part of them in their Quarter Sessions of the Peace, to be holden within every County of this Realm of England and Wales upon Trust, to the intent the same shall be used and employed for the keeping, correcting and setting to work of the said Rogues, Vagabonds or sturdy Beggars, and other idle and disorderly persons. C. 4. § 2. N. 2.

Justices. And be it further Enacted, &c. that the Justices of Peace of every County within the Realm of England and Wales at their Quarter Sessions of the Peace to be holden before their several Counties ( next after the erecting, providing or building of the said house or houses, and from time to time ) or the most part of them, shall elect, nominate and appoint at their Will and Pleasure, one or more honest, fit person or persons, to be Governor or Masters of the said house or houses, so to be purchased, erected, built or provided. § 4. N. 1.

Process. And be it further Enacted, &c. that the said Justices of Peace of every County within every of their several Divisions, twice in every year at the least, and oftner if there be occasion, shall assemble and meet together for the better Execution of this Statute, and that some four or five days before their Assembly and meeting, the said Justices, or the more part of them, shall by their Warrant, command the Constables and Tything-men of every Hundred, Town, Parish, Village and Hamlet within their several Divisions, which shall be assisted with sufficient men of the same Places, to make a general search in one Night within their said Hundreds, Towns, Villages and Hamlets for the finding out and apprehending of the said Rogues, Vagabonds, wandering and idle persons. § 5. N. 1.

Poor. And that such Rogues, Vagabonds, wandering and idle persons as they shall then find and apprehend in the said search, shall by them be brought before the said Justices at the said Assembly or Meeting, there to be examined of their idle and wandering Life, there to be punished, or otherwise by their Warrant to be sent or conveyed unto the said House, &c. of Correction within the said County, or to his Deputy, or assigned to be set to labor and work. § 5. N. 2.

Constables. At which days and times of Assembly and Meeting so to be held by the said Justices of Peace, the Constables and Tything-men of every Hundred, Parish, Town, Village and Hamlet, shall then appear in every their several Divisions before the said Justices of Peace at the said Assemblies or Meetings, and there shall give Account and reckning upon Oath in Writing, and under the Hand of the Minister of every Parish, what Rogues, Vagabonds, and wandering and disorderly persons they have apprehended, both in the same search, and also between every such Assemblies and Meetings, and how many have been by them punished or otherwise sent unto the Houses of Correction, which if the said Constables or Tything-men shall neglect to perform, as also to convey safely all such Rogues, with all other idle and disorderly persons at the Charge of the Hundred, D. 2.

Hundred, as by the Justices of Peace their Warrants shall be sent unto the houses of Correction in the same County, that then they shall forfeit such further Fines, Pains and Penalties as by the said Justices of Peace or the most part of them shall be thought fit and convenient, not exceeding the sum of 40 s. for every Offence.

§ 6. N. 1. Be it therefore Enacted, &c. that the said Masters or Governours of the said houses of Correction, shall have such sums of money yearly as shall be thought meet by the most part of the Justices of Peace within the said County at the Quarter Sessions of the Peace, the same to be paid Quarterly beforehand by the Treasurers, appointed, &c. (viz. 43 Eliz. Cap. 2. § N. ) during the time they the said Masters and Governours shall be employed in the said Service, the said Master and Governour giving sufficient Security for the continuance and performance of the said Service.

Poor.

§ 7. N. 1. And because great Charge ariseth upon many places within this Realm, by reason of Bastardy, beside the great Dishonour of Almighty God. Be it therefore Enacted, &c. that every lewd Woman which, &c. shall have any Bastard, which may be chargeable to the Parish, the Justices of Peace shall commit such lewd Women to the house of Correction, there to be punished and set on work during the term of one whole year.

Bastardy.

§ 7. N. 2. And if she shall Offend again, that then to be committed to the said house of Correction as aforesaid, and then to remain until she can put in good Sureties for her good behaviour not to offend so again.

Imprisonment.

§ 8. N. 3. And if either such Man or Woman (viz. having Children likely to charge the Parish) being able to work, and shall threaten to run away and to leave their Families, &c. the same being proved by two sufficient Witnesses upon Oath before two Justices of Peace in that Division, that then the said persons so threatening, shall by the said Justices of Peace be sent to the houses of Correction, (unless he or she can put in sufficient Sureties for the discharge of the Parish) there to be dealt with and detained as a sturdy wandering Rogue, and to be delivered at the said Assembly or Meeting, or at the Quarter Sessions, and not otherwise.

Process.

§ 9. N. 1. Be it therefore Enacted, &c. that if they (viz. the Masters of houses of Correction) shall not every Quarter Sessions yield a true and lawful Account unto the Justices of Peace of all such persons as have been committed to their Custody; or if the said persons committed to their Custody or any of them, shall be troublesome unto the County, by going abroad or otherwise, shall escape away from the said house of Correction before they shall be from thence lawfully delivered, that then the said Justices shall set down such Fines and Penalties upon the said Master and Governours, as the most part of them in their Quarter Sessions shall think fit and convenient.

Amercement.

C. 5. § 6. N. 1. All and every Temporal Judge, Justices of Peace, and every other person, &c. that doth or shall receive any Fee of your Highness, your Heirs and Successors (viz. shall take the Oath of Allegiance) before the Lord Chancellor, &c. Lord Treasurer, Lord Admiral, Lord Warden of the five Ports for the time being, or one of them, or before one of the Chief Justices, &c. or before the Justices of Assize of the same County where the Parties reside, or other such persons as the Lord Chancellor, &c. shall thereunto Authorize.

Oath.

§ 25. N. 2. And (viz. it shall be lawful) to and for any two Justices of Peace within any County, City or Town Corporate, whereof one to be of the Quorum, to require any person or persons of the Age of eighteen years or above, under the degree of a Baron or Baroness, to take the said Oath.

Justices.

§ 25. N. 3. And if any person or persons whatsoever of and above the said Age, and under the said Degree, &c. shall stand and be presented, indicted or convicted for not coming to Church, or receiving the Holy Communion, &c. according to the Laws and Statutes of this Realm, before the Ordinary, or any other having lawful Power to take such Presentment or Indictment, or if the Minister, Petty-Constable and Church-Wardens or any two of them, shall at any time hereafter complain to any Justice of Peace near adjoining to the Place where any person complained of shall dwell,

Pope.

dwel, and the said Justice shall find cause of Suspicion, that then any one Justice of Peace within whose Commission or Power such person shall at any time hereafter be, or to whom Complaint shall be made as aforesaid, shall upon notice thereof require such person or persons to take the said Oath.

Imprison-  
ment.

And that if any person or persons being of the Age of eighteen years or above, shall refuse to take the said Oath duly tendered to him or her according to the true intent and meaning of this Statute, that then the persons authorized by this Law to give the said Oath, shall and may commit the said Offender to the Common Goal, there to remain without Bail or Mainprize until the next Assizes or general Quarter Sessions to be holden for the said Shire, Division, Limit or Liberty, where the said Oath shall be again in the said open Sessions required of such person by the said Justices of Assize, or Justices of the Peace then and there present, or the greater number of them.

§ 25. N. 5.

Oath.

And if the said person, &c. shall refuse to take the Oath being tendered to him or her by the said Justices of Assize and Goal-delivery in their own Assizes or Goal-delivery, or the Justices of Peace or the greater part of them in their general or Quarter Sessions, every person so refusing shall incur the Danger and Penalty of Premunire mentioned in a Statute, &c. (viz. 16 Rich. 2. Cap. 5. § 2. N. 6.) except Women Covert, who shall be committed only to Prison, there to remain without Bail or Mainprize till they will take the said Oath,

§ 25. N. 6.

Drapery.

For the preventing and reformation, &c. (viz. of Deceits, &c.) be it Enacted, &c. that all, &c. who shall, unjustly, falsely or deceitfully convey away, imbezil, purloin, sell or detain any part of the Wool or Barn delivered by any Clothier, Maker of Bays, Saps, or by any other person, &c. making such Cloths or Stuffs, to any such Sorter, Carder, Kember, Spinsler or Weaver of Wool or Barn, that in every such Case and Cases, as well the Sorter, Carder, Kember, Spinsler and Weaver so offending, as the Buyer, &c. Receiver, &c. of the same, knowing the same, being thereof lawfully convicted by Confession of the Party, &c. so offending, or by one sufficient Witness upon Oath before two or more of the Kings Majesties Justices of the Peace of the same County or Liberty where the same Offence, &c. shall be committed, or if it be within a Town-Corporate, before the Mayor, Bayliff or Chief-Officer and one more of the Aldermen, or most substantial persons of the said Town.

C. 7. § 2. N. 1.

Justices.

Who shall by force of this Act have full Power and Authority to minister the same Oath, and finally to hear and determine all and every the Offences aforesaid.

§ 2. N. 2.

Damages.

Shall give and make to the Party, &c. grieved, such recompence and satisfaction for such their damage and loss, as by the said Justices or Chief-Officers shall be ordered and appointed.

§ 2. N. 3.

Fowl.

For the preventing, &c. (viz. of Destruction of Corn, Partridge and Pheasants, &c.) be it Enacted, &c. that all, &c. which, &c. doth or shall hawk or destroy, or kill any Pheasant, &c. or Partridges with any kind of Hawk, &c. or Dogs by colour of hawking, between the first day of July and the last day of August, and the same Offence or Offences being proved by the Confession of the Party, or by the Testimony of two sufficient Witnesses upon Oath, before two or more Justices of Peace of the said County, City or Town-Corporate wherein the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of the Peace for every such Offence, committed to the Common-Goal of the said County, City or Town-Corporate where the Offence shall be committed or the Parties apprehended.

C. 11. § 2. N. 1.

Days.

Provided that no Offenders shall be impeached or punished by virtue of this Act, unless he or they be accused as delinquent before the said Justices of Peace, within six Months next after the said Offence, &c. committed or done.

§ 4. N. 1.

Imprison-  
ment.

Be it therefore further Enacted, &c. that all, &c. which, &c. shall take, kill or destroy any Pheasant or Partridge with setting Dogs and Nets or otherwise, with any manner of Nets Snarers or Engines, and the same Offence or Offences being proved by the Confession of the Party, or by the

§ 8. N. 1.



- the Testimony of one sufficient Witness upon Oath before two or more Justices of the Peace of the same County, City or Town-Corporate where in the Offence shall be committed, or the Party offending apprehended, shall be by the said Justices of the Peace for every such Offence committed to the Common-Goal of the said County, City or Town-Corporate where the said Offence shall be committed, or the Party apprehended
- § 2. N. 5. And further to become bound by Recognizance in the sum of twenty pounds to his Majesty, his Heirs and Successors, with Condition that they the said Party so offending, shall not at any time hereafter take, kill or destroy any Whelant or Partridge. Recognizance.
- § 2. N. 6. Which said Recognizance shall be taken by any one or more Justices of the Peace of the said County, City or Town-Corporate where the said Offence shall be committed as aforesaid, and shall be returned to the next Quarter Sessions, and there to remain of Record as other Recognizances taken for the Peace. Justices.
- § 9. N. 1. And be it further Enacted, that every Constable and Head-borough in every County, City, Town-Corporate and other Place where they shall be sworn Officers, shall and may by virtue of this present Act, (bringing with them to that purpose, a Lawful Warrant under the Hands of two Justices of the Peace of the County, City Liberties or Town-Corporate) have full Power and Authority to enter into and search the house, &c. of any person, &c. other than such as by this present Act are allowed to take Whelants and Partridges with Nets as aforesaid, being suspected to have any setting Dogs or Nets for the taking of Whelants and Partridges. Constable.
- 21 Jac. Cap. 7. And be it further Enacted, that any Justice of Peace in any County, Ale. and any Justice of Peace or other Head-Officer in any City or Town-Corporate within their Limits respectively, shall from henceforth have Power and Authority upon his own view, confession of the party or proof of one Witness upon Oath before him, which he by virtue of this Act shall have Power to administer, to convince any person of the Offence of Drunkenness, whereby such person so convicted shall incur the Forfeiture of five shillings for every such Offence, and the same to be levied, or the Offender otherwise punished, as in the said Statute is appointed.
- § 3. N. 2. And for the second Offence, he shall become bound to the Good-behavior, as if he had been convicted in open Sessions, any thing in the said former Statute, &c. (viz. 4 Jac. Cap. 5.) to the contrary notwithstanding. Behavior.
- Cap. 8. Whereas divers turbulent and contentious persons, some out of Malice and others in hope of Gain by way of Composition, do oftentimes upon their Corporal Oaths peremptory and corruptly taken, or otherwise upon false Suggestions and Surmises, procure Process of the Peace or Good-behaviour out of his Majesties Courts of Chancery and Kings Bench, against divers of his Majesties quiet Subjects, whose dwellings and abodes are for the most part in Counties far distant and remote from the said Courts, to their intolerable trouble and vexation, whereas they might upon good cause shew'd, receive Justice at the hands of the Justices of Peace in the Counties where they dwell. Peace.
- § 2. N. 1. For remedy whereof, be it Enacted, &c. that all Process of the Peace or Good-behaviour after the end of this Session of Parliament to be granted or awarded out of the same Courts or either of them against any person or persons whatsoever, at the Suit of or by the Prosecution of any person or persons whatsoever, shall be void and of none effect, unless such Process shall be so granted or awarded upon motion first made before the Judge or Judges of the same Courts respectively sitting in open Court, and upon Declaration in Writing upon their Corporal Oaths to be then exhibited unto them by the said Parties which shall desire such Process of the Causes for which such Process shall be granted or awarded, by or out of any of the said Courts respectively, and unless that such motion and declaration be mentioned to be made upon the back of the Writ, the said Writings there to be entered and remain of Record. Process.
- § 2. N. 2. And that if it shall afterwards appear unto the said Courts or either of them respectively, that the Causes expressed in such Writings or any of them

them be untrue, that then the Judge or Judges of the said Courts or either of them respectively, shall and may award such Costs and Damages unto the Parties grieved for their or any of their wrongful Verdicts in that behalf, as they shall think fit, and that the Party or Parties so offending, shall and may be committed to Prison by such Judge or Judges, until he or they pay the said Costs and Damages.

Superfedeas.

And whereas divers turbulent and contentious persons deservably fearing to be bound to the Peace or Good-behavior by the Justices of Peace of the Counties where they dwell, do oftentimes procure themselves to be bound to the Peace or Good-behavior in the said Courts or one of them, upon insufficient Sureties, or upon colourable Prosecution of some person or persons who will be ready at all times to release them at their own pleasure, whereupon his Majesties Writs of Superfedeas are oftentimes directed to the Justices of Peace and other his Majesties Officers, requiring them and every of them to forbear to arrest or imprison the Parties aforesaid for the Causes aforesaid, by means whereof the said turbulent and contentious persons misdemean themselves amongst their Neighbours with Impunity, to the great Offence and Disturbance of their Neighbours amongst whom they converse and live, and to the affront of the Justices of Peace, and to the evil Example and Encouragement of like evil disposed persons.

§ 2. N. 3.

Oath.

Be it further Enacted by the Authority aforesaid, that all Writs of Superfedeas after the end of this present Session of Parliament to be granted by or out of either of the Courts aforesaid, shall be void and of none effect, unless such Process be granted, likewise upon motion in open Court first made as aforesaid, and upon such sufficient Sureties as shall appear unto the Judge or Judges of the same Court respectively upon Oath, to be assessed at five pound Lands, or ten pounds in Goods in the Subsidy-book, at the the least.

§ 3. N. 1.

Record.

Which Oaths, and the Names of such Sureties, with the Places of their abode, and where they stand so assessed in the Subsidy books, shall be entered and remain of Record in the same Courts.

§ 3. N. 2.

Process.

And unless it shall also first appear unto the said Judge or Judges before whom such Superfedeas is desired, that the Process of the Peace or Good-behavior is prosecuted against him or them, desiring such Superfedeas bona fide by some Party grieved in that Court out of which such Superfedeas is desired to be so awarded and directed.

§ 3. N. 3.

Bail.

And whereas divers lewd and evil disposed persons commonly called Common-Bailers, or Knights of the Post, being base or beggarly persons, do oftentimes procure themselves to be assessed at high rates in the Subsidy-books, and sometimes do falsely take upon them the names of other men of good ability, of purpose to enable themselves to be accepted for Bail, which persons being of small or no ability or worth, are ready for Lucre and Gain, to become bound by Recognizance as Sureties for such persons as shall procure themselves to be bound to the Peace, or Good-behavior as aforesaid, by means whereof the Judge or Judges of the said Courts not knowing them, may be easily abused and Justice deluded.

§ 4. N. 1.

Coron.

Be it therefore Enacted by the Authority aforesaid, that the Judge or Judges of the Courts aforesaid respectively or either of them, upon proof of any the misdemeanors aforesaid, to be committed in the obtaining of the aforesaid Writs of Superfedeas, or procuring such Sureties as aforesaid, shall and may likewise punish the false and insufficient Sureties and Bailers aforesaid, and the Procurors thereof according to their discretions, so as such Punishment extend not to the loss of Life or Member.

§ 5. N. 1.

Indictment

And whereas divers Bills of Indictments of Riot, forcible Entry or of Assault and Battery being found before the Justices of Peace at the Quarter Sessions of the Peace or otherwise, are oftentimes removed from the Counties where such Indictments are found by Writs of Certiorari unto them directed out of the said Courts, by, or by the means of the persons so indicted, who well know that few or no persons grieved by

§ 6. N. 1.

by such their Outrages and Misdemeanors whereof they stand so indicted, will undergo the travail or charge of Prosecution of such Indictment so removed by bringing the Parties so indicted to trial, by means whereof of such Offenders for the most part escape unprosecuted or unpunished, and the King loseth the fines which ought and should have been imposed upon them, if such Judgements had been prosecuted and not removed.

§ 7. N. 1. Be it therefore Enacted, that all such Writs shall from and after the end of this present Session of Parliament, be delivered at some Quarter Sessions of the Peace in open Court Certiorari,

§ 7. N. 2. And that the Parties indicted, shall before the allowance of such Certioraries, become bound unto such person or persons which shall prosecute such Writs of Indictment against them, in the sum of ten pounds, with such sufficient Sureties as the Justices of Peace at their Quarter Session of the Peace shall think fit, with Condition to pay unto the said Prosecutors of such Writs of Indictment, within one Month after the Conviction of such Parties indicted, such reasonable Costs and Damages as the said Justices of Peace of such Counties where such Writs of Indictment shall be found, in the said Sessions of the Peace shall assess or allow.

§ 7. N. 3. And that in Default thereof, it shall be lawful for the said Justices to proceed to Trial of such Indictments, any such Writs of Certiorari to remove the same Indictments notwithstanding. Certiorari,

C. 12. § 4. N. 1. And whereas notwithstanding the said Statute ( viz. 7 Jac. Cap. 5. Justices,

§ 1. N. of Justice of Peace pleading the General Issue, and giving special matter in Evidence ) the Plaintiff is at liberty to lay his Action which he shall bring against any Justice of Peace or other Officer in any foreign County at his choice, which hath proved very inconvenient unto sundry, &c. that have been impleaded by some contentious and troublesome persons in Counties far remote from their place of Habitations.

§ 5. N. 1. Be it therefore Enacted, &c. that if any Action, Bill, Complaint or Suit upon the Case, Trespasses, Battery or false Imprisonment shall be brought, &c. against any Justice of Peace, Mayor or Bailiff of City or Town, Corporation, Headborough, Portreeve, Cythingman, Constable, Collector of Subsidy or Fiftens, Churchwardens and persons called Swornmen executing the Office of Churchwarden or Overseer of the Poor, and their Deputies or any of them, or any other which in their Aid and Assistance, or by their Commandment shall do any thing touching or concerning his or their Office, &c. for or concerning any Matter, Cause or Thing by them or any of them done, by virtue or reason of their or any of their Office, &c. that the said Action, &c. shall be laid within the County where the Trespasses or Fact shall be done and committed, and not elsewhere.

Cap. 15. Be it Enacted, &c. that such Judges, Justices or Justice of Peace as by reason of any Act, &c. ( viz. 5 Rich. 2. Cap. 7. 15 Rich. 2. Cap. 2. 8 H. 6. Cap. 9. 31 Eliz. 11. &c. ) now in force, are authorized and enabled upon Inquiry, to give Restitution of Possession unto Tenants of any Estate or Freehold of their Lands or Tenements which shall be entered upon with force, or from them withholden by force, shall by reason of this present Act, have the like and the same Authority and Ability from henceforth upon Indictment of such forcible Entries or forcible withholdings before them duly found, to give like Restitution of Possession unto Tenants for term of years, Tenants by Copy of Court Roll, Gardians by Knights Service, Tenants by Elegit, Statute Merchant and Staple, of Lands or Tenements by them so holden, which shall be entered upon by force, or holden from them by force.

§. 18. § 4. N. 3. It shall be lawful for any two or more Justices of the Peace within Drapery, the County, or within the City, Borough or Town-Corporate where such deceiverable Cloth ( viz. with Flocks, Thrums, Noyles and Hairs, &c. ) shall be made or suspected to be made, upon Information or Complaint of any of the said Overseers, &c. Searchers, or any other of their knowledge or Suspicion of any such Offence, to grant their Warrant to call before them any person or persons whatsoever that shall be thought in their



discretions fit to discover any such Offence.

Proof.

And to examin upon Oath such person, &c. for the trpal and better finding out of the Offence aforesaid, and if upon Examinations it shall be found by Testimony of two Witnesses or more, or by the Confession of the Party or Parties offending, that any such Offence, &c. have been committed as aforesaid, then the Party, &c. that shall so confess his or their said Offence, &c. or who shall be found to have offended, shall remain convicted of such his Offence, &c.

§ 4. N. 4.

Certificate.

And that then it shall and may be lawful for the said two Justices, to certifye such Offence, &c. unto the Church-wardens and Overseers for the time being of the Poor of the Parish, &c. where such deceiverable Cloth, &c. shall be made under the Hands and Seals of the said Justices.

§ 4. N. 5.

Process.

And be it further Enacted, &c. that immediately from and after such Certificate shall be delivered to any of the Church-wardens and Overseers of the Poor of any Parish, &c. where such Offender, &c. shall dwell, and Warrant by them (viz. the two Justices) made to the said Overseers and Church-wardens for the levying of the said forfeiture, it shall and may be lawful to and for the said Church-wardens and Overseers for the time being or any of them, or for the Successor, &c. of them, &c. to levy the sum, &c. which by the said Certificate and Warrant shall appear to be forfeited by way of Distress and Sale, &c.

§ 5. N. 1.

Imprisonment.

And in defect of such Distress, it shall be lawful to and for the said two Justices of Peace, to commit the Party, &c. so certified to have offended, to the Common-Goal, there to remain without Bail or Mainprize until Payment shall be made of the said sum, &c.

§ 5. N. 2.

Pleading.

And that if any Action, &c. shall, &c. hereafter happen to be brought or commenced against any person, &c. for taking of such Distress, &c. or for or about any matter or thing concerning the same, that then it shall and may be lawful to and for every such person, &c. against whom such Action, &c. shall be brought, &c. to plead the General Issue, and give in Evidence, and to be allowed double costs in every respect and degree as by the Statute, &c. (viz. 7 Jac. Cap. 5.) is already Provided and Enacted.

§ 5. N. 3.

Forfeitures.

And be it further Enacted, &c. that all Penalties and Forfeitures for want of length, breadth and weight of Cloth, &c. limited by any former Act now in force, or by this present Act, shall be distributed into three equal parts, whereof one third part shall be unto the said Overseers and Searchers finding and certifying the said Default of length, breadth and weight as aforesaid, to be recovered by them, at or in the General Quarter Sessions of the Peace to be holden for the County, City or Town Corporate where the Offence therein shall happen to be done or committed by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection, Priviledge or Wager of Law shall be allowed.

§ 12. N. 1.

Bankrupts.

And be it further Enacted, &c. that if any Bankrupt shall upon his or her Examination or Examinations to be taken before the said Commissioners executing the said Commission, be found fraudulently or deceitfully to have conveyed away his or her Goods, Chattels, Lands, Tenements, Offices, Fees, Rents or Annuities or other Estate, or any part thereof to the value of twenty pounds or above, to the end and purpose to hinder the Execution of this Statute, or of any other the aforesaid Statutes, (viz. 13 Eliz. Cap. 7. & 1 Jac. Cap. 15. &c.) or thereby to defraud, delay or hinder his or her Creditors of the same, and shall not upon his or her Examination discover unto the said Commissioners, and if it be in his or her Power, deliver unto the said Commissioners all that Estate, Goods and Chattels so fraudulently and deceitfully conveyed away as aforesaid, or by him or her, his or her means kept or detained from the said Commissioners, or that cannot make it appear unto the said Commissioners that he or she hath sustained some casual loss whereby he or she is disabled to pay what he or she then owed, shall or may be indicted for such fraud or abuse, at the Assizes or General Sessions to be holden before the Judges of Assize or Justices of Peace, of the County or Place where he or she shall become Bankrupt.

C. 19. § 7. N. 1.

Coron.

And if upon such Indictment or Indictments the Bankrupt be thereof con-

§ 7. N. 2.

convicted, he or she so convicted, shall be set upon the Pillory in some publick place for the space of two hours, and have one of his or her Ears nailed to the Pillory and cut off.

- C. 20. § 1. N. 2. And that if any, &c. shall, &c. offend herein, ( viz. in prophane swearing or curling ) either in the hearing of any Justice of Peace of the County, or of any Mayor, Justice of Peace, Bailiff or Head-Officer of any City or Town-Corporate where such Offence is or shall be committed, or shall thereof be convicted by the Oaths of two Witnesses, or by the Confession of the Party before any such Justice of Peace, &c. where such Offence is or shall be committed, to which end every Justice of Peace and every such Head-Officer shall have Power by this Act to minister the same Oath, that then every such Offender shall for every time so offending, forfeit and pay to the use of the Poor of that Parish where the same Offence is or shall be committed, the sum of twelve pence. Oath.
- § 1. N. 3. And it shall also be lawful for the Constable, Church-wardens and Overseers of the Poor of that Parish, by Warrant from such Justice of Peace or Head-Officer to levy the same, &c. by Distress and Sale, &c. Process.
- § 1. N. 4. And in discharge of such Distress the Offender, if he or she be above the Age of twelve years, shall by Warrant from such Justice of the Peace or Head-Officer, be set in the Stocks by three whole hours, but if the Offender be under the Age of twelve years, and shall not forthwith pay the said sum of twelve pence, then he or she by Warrant of such Justice of Peace or Head-Officer, shall be whipped by the Constable, or by the Parent or Master in his presence. Infant.
- § 2. N. 1. And be it further Enacted, that if any such Offender shall commence any Suit in Law against any Officer or other, for such distraining Sale of Goods, whipping or setting in the Stocks; the Defendant, &c. may plead the general Issue, and give the special Matter in Evidence, &c. and if it be found against the Plaintiff, or that the Plaintiff be nonsuit, the Defendant, &c. shall be allowed good costs to be taxed by the Court. Pleading.
- § 3. N. 1. Provided nevertheless, that every Offence against this Law shall be complained of, and Proved as abovesaid, within twenty days after the Offence committed. Days.
- C. 21. § 4. N. 1. And be it further Enacted, &c. that if the Horse-bread which any of the said Hostlers or Inholders shall make, be not sufficient, lawful and of due Measure, according to the Price of Grain and Corn as abovesaid, or that if any of them shall offend in any thing contrary to this Act, then the Justices of Assize, Justices of Oyer and Terminer, Justices of the Peace in every Shire, Liberty or Franchise within this Realm, Sheriffs in their Turns, and Stewards in their Courts and Law-days shall have full Power and Authority, to inquire, hear and determine the said Defaults and Offences, of the said Hostlers and Inholders hereafter to be committed against the form of this present Statute. Corn.
- C. 22. § 7. N. 1. Provided nevertheless, and be it Enacted, &c. that if the Justices of the Peace of any of the Counties of this Realm of England or the Dominion of Wales, at their Quarter Sessions of any of the said Counties, shall declare and publish in open Sessions, that the Traders aforesaid in Butter and Cheese, ( viz. from London, &c. ) shall forbear to buy any Butter and Cheese for any time within the said County or Counties, or within any Parts or Places of the same, that then for and during the time of such Restraint, the said Traders in Butter and Cheese that shall buy any such Butter ( viz. above a Barrel ) or Cheese, ( viz. above a Weigh ) and sell the same again by Retail, contrary to the Acts aforesaid, ( viz. 3 & 4 Ed. 6. Cap. 21. § 2. N. 1. and 5 & 6 Ed. 6. Cap. 14. § 3. N. 1. ) shall not be freed of or from any Penalties of the said Acts, but shall be subject to the same as if this Act had never been made. Victuals.

## Statuta Car. 1.

Games.

**A**D that any one Justice of the Peace of the County, or the Chief Officer or Officers of any City, Borough or Town-Corporate where such Offence, (viz. of resorting to Sports on the Sunday &c.) shall be committed upon his or their View, or Confession of the Party, or Proof by one or more Witnesses by Oath, (which the said Justice, or Chief-Officer or Officers shall by virtue of this Act have Authority to Administer) shall find any offending in the Premises, the said Justice or Chief-Officer, &c. shall give Warrant under his or their Hand and Seal to the Constables and Church-wardens of the Parish, &c. where such Offence shall be committed to levy the said Penalty so to be assessed by way of Distress, and Sale, &c. rendering to the said Offenders the overplus, &c. and in default of such Distress, that the party offending be set publicly in the Stocks by the space of three hours.

1 Car. 1. Cap. 1.  
§ 1. N. 5.

Religion.

The said Offences (viz. Travailing, or Killing or Selling Victual on Sunday) and every of them, being done in view of any Justice of Peace, Mayor or other Head-Officer of any City or Town-Corporate within their Limits respectively, or being proved upon Oath by two or more Witnesses, or by the Confession of the Party offending, before any such Justice, Mayor or other Head-Officer within their several Limits respectively wherein such Offence shall be committed, to which end every such Justice, Mayor or other Head-Officer shall have Power by this Act, to administer an Oath to such Witnesses or Witnesses.

3 Car. 1. C. 1. 2.  
§ 1. N. 4.

Forfeitures.

All which sums, &c. (viz. of twenty shillings forfeit for travelling, and six shillings and eight pence for killing or selling Meat on Sunday, &c.) shall or may be levied by any Constable or Church-warden, by Warrant from any such Justice or Justices of Peace, Mayor or other Head-Officer, &c. within their several Limits where such Offence shall be committed or done, by distress and sale of the Offenders Goods, &c. or shall be recovered by any person, &c. by Bill, Plaint or Information in any of his Majesties Courts of Record in any City or Town-Corporate, before his Majesties Justices of the Peace in their General Sessions of the Peace.

§ 1. N. 3.

Poor.

All which forfeitures shall be employed to and for the use of the Poor of the Parishes where the said Offences shall be committed or done, saving only that it shall be lawful to and for any such Justice, Mayor or other Head-Officer out of the said forfeitures, to reward any such person, &c. that shall inform or otherwise prosecute any person, &c. offending against this present Act, according to their discretions, so that such Reward exceed not the third part of the forfeiture.

§ 1. N. 6.

Ale.

Which Law (viz. 5 & 6 Ed. 6. Cap. 25. § 4. 5.) hath not wrought such Reformation as was intended, for that the said Fine of 20 s. is seldom levied, and for that many of the said Offenders by reason of their Poverty, are neither able to pay the said Fine of 20 s. nor yet to bear their own charges of conveying them to the Goal, and moreover do leave a great charge of Wife and Children upon the Parishes wherein they live, in regard whereof, the Constables and other Officers are much discouraged in presenting them, and the Offenders become obstinate and incorrigible.

C. 3. 4. § 1. N. 6.

Licence.

For remedy whereof, be it Enacted, &c. that if any, &c. shall upon his own Authority, not being thereunto Lawfully licenced, take upon him or them to keep a Common Ale-house or Cipling-house, or use commonly selling of Ale or Beer, Cyder or Perry, that then every such, &c. shall for every such Offence forfeit and lose, &c. 20 s. to the use of the Poor of the Parish, &c. the same Offence being viewed and seen by any Mayor, Bailiff, or Justices of Peace or other Head-Officer within their several Limits, or confessed by the Party so offending, or approved by the Oath of two Witnesses to be taken before any Mayor, Bailiff, or other Head-

§ 2. N. 1.



Head-Officer, or any one or more Justice or Justices of the Peace who by vertue of this Act shall be authorized to minister the said Oath to any, &c. that can or will justifie the same being within the limits of their said Commission.

- § 2. N. 2. The said Penalties to be levied by the Constables or Church-wardens of the Parish, &c. where the said Offence shall be committed, who shall be accountable therefore to the use of the Poor of the said Parish, by way of distress to be taken and detained, by Warrant or Precept from the said Mayor, Bailiff, Justice or Justices or other Head-Officer by whom the said Offence shall be viewed, or before whom the same shall be confessed or proved as aforesaid. Forfeiture.
- § 2. N. 3. And for default of satisfaction within three days next ensuing, the said Distress to be by the said Constables or Church-wardens appraised and sold, and the overplus to be delivered, &c. and this to be only for the first Offence. Process.
- § 2. N. 4. And if such Offender, &c. shall not have sufficient Goods and Chattels whereby the said 20 s. may be levied by way of distress as aforesaid, or shall not pay the said sum, &c. within six days after such Conviction as aforesaid, that then the said Mayor, Bailiff, Justice or Justices or other Head-Officer before whom the said Offender shall be convicted as aforesaid, shall commit all and every the said Offender, &c. to some Constable, &c. or other inferior Officer, &c. of the City, Borough, Town, Parish or Hamlet where the Offence shall be committed or the Party apprehended, to be openly whipped for the said Offence, as the said Justice or Justices shall limit or appoint. Imprisonment.
- § 3. N. 1. And be it Enacted, &c. that if any Constable or inferior Officer shall neglect to execute the said Precept or Warrant, or do refuse, or do not execute by himself or some other to be by him appointed upon the Offender the Punishment limited by this Statute that in that Case it shall and may be lawful for the said Mayor, Bailiff, Justice or Justices of Peace or other Head-Officer, to commit the Constable or other inferior Officer so refusing or not executing, &c. to the Common Goal of the said County, City or Town Corporate, there to remain without Bail or Mainprize until the said Offender, &c. shall by the said Constable, &c. be punished and whipped as is above limited and declared, or until he or they so neglecting or refusing, shall have paid the sum of 40 s. &c. Constable.
- § 4. N. 1. And be it further Enacted, that if the said Offender, &c. being an unlicensed Ale house-keeper, shall offend in any the Premises the second time and be thereof lawfully convicted in manner and form aforesaid, that then the said Mayor, Bailiff, Justice or Justices of the Peace or other Head-Officer shall commit him, her or them unto the house of Correction, there to remain for the space of one Month, and be dealt withal as idle and disorderly persons. Ale.
- § 4. N. 2. And if such shall again offend and be thereof convicted as aforesaid, that then the said Offender, &c. for every such Offence shall be committed unto the said House of Correction as aforesaid, there to remain, until by the Order of the Justices in their General Sessions for the County, City, Borough or Franchise, he, she or they shall be delivered from thence. Imprisonment.
- § 5. N. 1. Provided always, that such, &c. as shall be punished by vertue of this Act, shall not be punished again for the same Offence by the former Act, &c. (viz. 5 & 6. Ed. 6. Cap. 25. § 4. N. 5.) Process.
- § 5. N. 2. And that such, &c. as shall be punished by vertue of the before mentioned Act, (viz. 5 & 6 Ed. 6. Cap. 25. § 4. N. 5.) shall not be punished again for the same Offence by vertue of this present Act, nor any thing there contained. Information
- C. 4. 5. § 15. N. 1. And so much of an Act, &c. (viz. 18 Eliz. Cap. 3. § 2. N. 1.) as concerneth Bastards begotten out of lawful Matrimony (viz. continued to the next Parliament, &c. Bastardy.
- § 15. N. 2. With this, that all Justices of Peace within their several Limits and Precincts, and in their several Sessions may do and execute all things concerning that part of the said Statute (viz. 18 Eliz. Cap. 3. § N. ) that by the Justices of Peace in the several Counties are by the said Statute limited to be done, Justices.  
And

- Apprentices** And be it Enacted, that all persons to whom the overscers of the Poor shall according to the said Act ( viz. 43 Eliz. Cap. 2. § N. ) bind any Childzen Apprentices, may take, receive and keep them as Apprentices, and also the Church-wardens and Overscers of the Poor mentioned in the said Act, &c. may by and with consent of two or more Justices of the Peace, whereof one to be of the Quorum, within their respective Limits wherein shall be more Justices than one, and where no more shall be than one, with the Assent of that one Justice of the Peace, let up, use and occupy any Trade, Mistry or Occupation only for the setting on work and better relief of the Poor of the Parish, Town or Place of, or within which they shall be Church-wardens or Overscers of the Poor, any former Statute to the contrary notwithstanding. § 22. N. 9.
- Measures.** ( Viz. Keeping of Measures ) Or Weights other than according to the Standard of Exchequer, forfeits five shillings, being thereof lawfully convicted by the Oath of one sufficient Witness before any Justice of Peace, Mayor or other Head-Officer, &c. respectively, where the said offence shall be committed, who by vertue of this Act shall have Power to administer an Oath in that behalf. 15 & 17 Car. 1. C. 19. § 2. N. 4.
- Imprisonment.** And in default of such distress, it shall be lawful for any Justices of Peace, Mayor or other Head-officer, &c. to commit the said Party to the Prison or Goal, there to remain without Bail or Mainprize, until he shall pay such sums of money forfeited as aforesaid. § 2. N. 3.
- Justices.** Provided also, that no Justice or Justices of the Peace, Mayor, Bailiff or other Head-officer, &c. or any other authorized by this Statute for the due Execution thereof in any point, shall be sued, impleaded or otherwise impeached, for doing or executing their said Offices respectively. § 3. N. 1.
- Pleading.** And if any Suit, &c. shall be commenced against them, their Agents and Assistants touching the Premises, that then it shall and may be lawful for them, &c. to plead the general Issue, not guilty, and to give this Statute in Evidence, or any other special matter in Evidence. § 3. N. 2.

## Statuta Car. 2.

- Ale,** **P**rovided always, &c. that the Lord Treasurer, &c. shall not within six Months after the commencement of this Act ( viz. of Excise on Beer, Ale, Syder, &c. to his Majesty for Life ) treat, conclude or agree with any &c. touching the farming of this duty upon Beer and Ale in any the respective Counties or Places of this Realm or Dominions thereof, other than with such persons, &c. as by the Justices of Peace of the said Counties or Places, or the major part of them at their publick Quarter Sessions shall be nominated and appointed in that behalf, which person, &c. is to have the first refusal of any such farm respectively, and may take the same, any thing, &c. notwithstanding, 12 Car. 2. Cap. 24 § 43. N. 1. 12 Car. 2. C. 23 § 29. N. 1.
- Leases.** Provided, that the said Duty shall not be let to any other person or persons than to the person or persons recommended by the Justices under the rate that it shall be tendered to and refused by such person, &c. so recommended, 12 Car. 2. Cap. 24. § 44. N. 1. §. 30. N. 1.
- Forfeiture.** And all such forfeitures and Offences made and committed within all or any the Counties, Cities, Towns or Places within this Kingdom or Dominions thereof, shall be heard and determined by any two or more of the Justices of the Peace residing near the Place where such forfeitures shall be made, or Offence committed, 12 Car. 2. Cap. 24. § 45. N. 3. § 31. N. 3.
- Justices,** And in Case of neglect or refusal of such Justices of the Peace by the space of fourteen days next after complaint made and notice thereof given to the Offender, then the Sub-Commissioners or the major part of them, appointed for any such City, County, Town or Place, shall and are hereby empowered to hear and determine the same. § 31. N. 4.
- Error.** And if the Party find himself aggrieved by the Judgement given by the the § 31. N. 5.

the Sub-Commissioners, he shall and may appeal to the Justices of the Peace at the next Quarter Sessions, who are hereby impowred and authorized to hear and determine the same, whose Judgement therein shall be final, 12 Car. 2. Cap. 24. § 45. N. 5.

§ 31. N. 6. Which said Commissioners for Appeals and regulating of this Duty Process, and the Chief-Commissioners for Exercise, and all Justices of Peace and Sub-Commissioners aforesaid respectively, are hereby authorized, and strictly enjoined and required, upon any Complaint or Information exhibited and brought of any such Forfeiture made, or Offence committed contrary to this Act, to summon the Party accused, and upon his appearance or contempt, to proceed to the Examination of the Matter of Fact, and upon due proof made thereof, either by the voluntary Confession of the Party, or by the Oath of one or more credible Witnesses, which Oath they, or any two or more of them have hereby Power to administer, to give Judgement or Sentence according as in and by this Act is before ordained and directed, and to award and issue all Warrants under their Hands for the levying of such Forfeitures, Penalties and Fines as by this Act is imposed for any such offence committed, upon the Goods and Chattels of the Offender, and to cause sale to be made of the said Goods and Chattels if they shall not be redeemed within fourteen days, rendering to the Party the overplus if any be, and for want of sufficient Distress, to imprison the Party offending till satisfaction be made, 12 Car. 2. Cap. 24. § 45. N. 6.

§ 32. N. 1. Provided nevertheless, that it shall and may be lawful to and for the Justices, said respective Justices of Peace, Commissioners for Exercise or any two of them from time to time where they shall see cause, to mitigate, compound or lessen such Forfeiture, Penalty or Fine as in their discretions they shall think fit, &c. so as by such Mitigation the same be not less than double the value of the Duty of Exercise which should or ought to have been paid besides the reasonable costs and charges of such Officer, &c. or others as were employed therein, to be to them allowed by the said Justices, any thing &c. notwithstanding, 12 Car. 2. Cap. 24. § 46. N. 1.

§ 33. N. 1. And be it Enacted, &c. that no person, &c. shall be capable of inter- Oaths, medling with any Office or Imployment relating to the Exercise, until he or they shall before two or more Justices of Peace in the County where his or their Imployment shall be, &c. take the Oaths of Allegiance and Supremacy, which Oaths they have hereby Power to administer together with this Oath following, &c. 12 Car. 2. Cap. 24. § 47. N. 1.

§ 34. N. 1. And it is further Enacted, &c. that every such Justice of Peace shall Certificate, certify the taking of such oath to the next Quarter Sessions, there to be recorded, 12 Car. 2. Cap. 24. § 48. N. 1.

§ 36. N. 1. Provided also, and be it Enacted, that no Writ or Writs of Certiorari Certiorari, shall supersede Execution or other Proceedings upon any Order, &c. made by the said Justices aforesaid in Pursuance of this Act, but that Execution and other Proceedings shall and may be had and made thereupon, any such Writ, &c. or allowance thereof notwithstanding, 12. Car. 2. Cap. 24. § 50. N. 1.

C. 24. § 14. N. 3. And if any, &c. shall make Provision or Purveyance for his Majesty, Purveyance, his Heirs or Successors, or any the Queens or Children aforesaid, or impress or take any such Carriages or other things aforesaid, on any pretence or colour of any Warrant aforesaid, under the Great Seal or otherwise contrary to the intent hereof, it shall be lawful for the Justices of Peace or such two or one of them as dwell near, and to the Constables of such Parish or Village, where such occasion shall happen, at the request of the Party grieved, and they are hereby enjoined to commit or cause to be committed, the Party, &c. so doing or offending to Goal till the next Sessions, there to be indicted and proceeded against for the same, and that the Officers and Inhabitants of the Village or Parish where such offence shall happen, shall be assistant therein, 13 Car. 2. Cap. 8. § 2. N. 1.

C. 34. § 2. N. 1. And it is hereby further Enacted, that all Sheriffs, Justices of the Peace, Mayors, Bailiffs, Constables and every of them upon Information and Complaint made unto them or any of them, by any of the Officers of the Customs, or by any other person, &c. that there is any Hus bandry, To,



Tobacco set, sown, planted or growing within their Jurisdictions or Precincts contrary to this Act, shall within ten days after such Information or Complaint, cause to be burnt, plucked up, consumed or utterly destroyed all such Tobacco so set, sown, planted or growing.

Wages.

Provided also, and be it Enacted, &c. that no person, &c. shall be capable of having, using or exercising the Office of Post-Master General, or any other employment relating to the said Office, unless he or they shall first take the Oaths of Allegiance and Supremacy, before any two Justices of the Peace of the respective Counties wherein such person, &c. are or shall be resident, which said Justices are hereby Authorized to administer the said Oaths accordingly. C. 35. § 1. 3 N. 1.

Peace.

Whereas it hath been found by sad Experience, that tumultuous and other disorderly soliciting and procuring of Hands by private persons to Petitions, Complaints, Remonstrances and Declarations, and other Addresses to the King, or to both or either Houses of Parliament for alteration of matters established by Law, redress of pretended Grievances in Church or State, or other publick Concernments have been made use of, to serve the ends of factious and seditious persons gotten into power to the violation of the publick Peace, and have been a great means of the late unhappy Wars, Confusions, and Calamities in this Nation for preventing the like mischiefs for the future. 13 Car. 2. C. 5.

Process.

Be it Enacted by the Kings most excellent Majesty, &c. that no person or persons whatsoever, shall from and after the first of August one thousand six hundred sixty and one, sollicite, labour or procure the getting of Hands, or other consent of any persons above the number of twenty or more, to any Petition, Complaint, Remonstrance, Declaration or other Address to the King, or both or either Houses of Parliament for alteration of matters established by Law in Church or State, unless the matter thereof have been first consented unto and ordered by three or more Justices of the County, or by the major part of the Grand-Jury of the County or Division of the County where the same matter shall arise, at their publick Assizes or General Quarter Sessions, or if arising in London, by the Lord-Mayor, Aldermen and Commons in Common-Council assembled. § 2. N. 1.

Joinder.

And that no person or persons whatsoever, shall repair to his Majesty, or both or either of the Houses of Parliament, upon pretence of presenting or delivering any Petition, Complaint, Remonstrance or Declaration, or other Addresses accompanied with excessive number of people, not at any one time with above the number of ten persons. § 2. N. 2.

Forfeiture.

Upon pain of incurring a Penalty not exceeding the sum of one hundred pounds in money and three Months Imprisonment without Bail or Mainprize, for every Offence. § 2. N. 3.

Days.

Which Offence to be Prosecuted at the Court of the Kings Bench, or at the Assizes or General Quarter Sessions within six Months after the Offence committed, and proved by two or more credible Witnesses. § 2. N. 4.

Parliament.

Provided always, that this Act or any thing therein contained, shall not be construed to extend to debar or hinder any person or persons not exceeding the number of ten aforesaid, to present any publick or private Grievance or Complaint to any Member or Members of Parliament after his Election, and during the Continuance of the Parliament, or to the Kings Majesty for any remedy to be thereupon had. § 3. N. 1.

Prerog.

Nor to extend to any Address whatsoever to his Majesty, by all or any of the Members of both or either Houses of Parliament during the sitting of the Parliament, but that they may enjoy their freedom of access to his Majesty as heretofore hath been used. § 3. N. 2.

Purveyance.

Be it therefore Enacted, &c. that the Clerk or Chief-Officer of his Majesties Carriages, shall three days at least before his Majesties Arrival by Warrant from the Green-Cloth, give notice in Writing to two or more of his Majesties Justices of the Peace next adjoining, to provide such a number of Carts and Carriages from the Places next adjacent as his Majesty shall have present use of, expressing the certainty, &c. Cap. 8. § 2. N. 1.

Forfeiture.

And that in Case any, &c. shall refuse to provide and furnish his Majesty that now is, or his Queen that shall be, or his or her Household in their Pro- § 2. N. 2.

gress for Removals, &c. that then upon due Proof and Conviction, &c. by the Oath of the Constable or other Officer, or two other credible Witnesses before the said Justices of Peace of the County, or Mayor or other Chief Officer of the City or Corporation where he or they inhabit, which Oath they shall have Power to administer, the Party so refusing, shall, &c. forfeit the sum of forty shillings to the Kings Majesties use, to be forthwith levied by Distress and Sale, &c. by Warrant from the said Justices of the Peace, Mayor or other Chief Officer.

§ 3. N. 2. And in Case any Justice of the Peace, Mayor, Chief Officer or Constable, shall take any Gift or Reward to spare any, &c. or shall impress more Carriages then he shall be directed, &c. that then upon due Proof and Conviction thereof, the Party so offending, shall forfeit the sum of ten pounds to the Party thereby grieved, or any other who shall sue for the same, &c.

§ 5. N. 1. And be it further Enacted, &c. that any two or more of the Justices of the Peace near adjoining to the Road through which his Majesties is to pass, shall immediately after notice in Writing from the said Gran-Cloth and Avenor under their Hands and Seals, set down and appoint such reasonable Rates and Prices, to be paid during his Majesties abode there, both for Hay and Oats, and other Accomodations for Horses, as they in their discretion shall think meet; which Rates, one day at the least before his Majesties coming to such Place, the said Justices shall cause to be proclaimed in the Market Town next to such place, and in such of the Neighbouring Towns and Villages as to them shall seem meet, to the end that notice may be taken of such Rates and Prices.

§ 5. N. 2. And if any person shall take any other sum than what is or shall be so limited, either for Lodging, Horse-meet, Stable-room or other such Accomodations, and be thereof convicted by Confession of the Party, or by the Oath of one credible Witness before any one Justice of the Peace, (which Oath, the said Justice of the Peace is hereby authorized to administer) that then in such Case every person so offending, shall forfeit and pay to the Party grieved the sum of 40 s. the same to be levied by Distress by Warrant from the said Justice of the Peace, and Sale thereof, &c.

C. 10. § 1. N. 3. (Viz. The Forfeiture of 20 l. by Deer-stealer) to be levied by the way of Distress upon the Goods and Chattels of every such Offender, by Warrant under the Justices Hand before whom such Conviction shall be made.

§ 1. N. 5. And for want of sufficient Distress, the Offender shall be committed to the House of Correction for six Months, and there to be put to hard Labour, or to the Common-Goal for one whole year without Bail or Mainprize, at the discretion of the Justices of the Peace before whom such Conviction shall be, and not to be discharged from thence, till he or they have given sufficient Sureties for their Good-behavior, for one whole year next ensuing, after his or their Enlargement.

13 Car. 2. St. 2. C. 1. § 10. N. 2. And from and after the Expiration of the said respective Commissions, (viz. for regulating of Corporations, March 25. 1663.) the said three Oaths, (viz. of Allegiance, Supremacy, and against taking up Arms against the King, &c.) and Declaration (viz. that no Obligation lyeth on any by the Solemn League and Covenant) shall be from time to time administered, &c. by such, &c. persons respectively, who by the Charters or Wages of the said respective Cities, Corporations and Boroughs, and Cinque-Ports and their Members, and other Port-Towns ought to administer the Oath for due executing the said Places, &c. (viz. of Mayor, Alder-men, Recorder, Bailiffs, Town Clerks, Common-Council-men, &c.

§ 10. N. 3. And in default of such by two Justices of the Peace of the said Cities, &c. for the time being, if any such there be, or otherwise by two Justices of Peace for the time being of the respective Counties where the said Cities, &c. are.

§ 11. N. 1. And be it likewise Enacted, &c. that the said Commissioners, Justices of the Peace and other persons hereby authorized to administer the said Oaths, and tender the said Declaration respectively, shall cause Memorandums or Entries to be made of all Oaths taken before them, and

and subscriptions made as aforesaid, and deliver the same once in a Year to the respective Town-Clerks or other Register or Clerk of the said respective Cities, &c. who shall cause the same to be fairly Entered into the Books or Registers belonging to the said respective Cities, &c.

Religion.

And it is Ordained, &c. that all and every Justice of Oyer and Terminer, Justices of Assize and Goal-delivery, and the Justices of the Peace, shall have full Power and Authority in every of their open and General Sessions, to Inquire Hear and Determine all and every the said Offences, (viz. of Quakers refusing Oath lawfully tendered; or assembling above Five for Religious Worship, &c.) within the limits of their Commission to them Directed, and to make Process for the Execution of the same, as they may do against any Person being Indicted before them of Trespasts, or lawfully Convicted thereof.

13 & 14 Car. 2.  
C. 1. § 3. N. 1.

Imprisonment.

And be it also Enacted, That it shall and may be lawful to and for any Justice of Peace, Mayor or other Chief Officer of any Corporation, within their several Jurisdictions to Commit to the Common Goal, or bind over with sufficient Sureties to the Quarter-Sessions any Person, &c. offending in the Premises, in order to his or their Conviction aforesaid.

§ 4. N. 1.

Wayes.

And for the more speedy reformation, &c. (viz. of Paving the Streets, hanging out Lights, carrying away Dust, and Hackney-Coaches, &c.) Be it further Enacted, &c. That every one of his Majesties Justices of either Bench, and Barons of the Exchequer, and every Justice of Peace of the said Cities of London and Westminster, &c. within their several Limits respectively, shall have Power and Authority upon his own Knowledge or View, confession of the Party or proof of one credible Witness upon Oath before him, which Oath by virtue of this Act such Justice shall have Power to Administer, to Convict any Person or Persons of any the Offences aforesaid, whereby such Person or Persons so Convicted shall Incur the Penalties and Forfeitures aforesaid, one Part of whereof shall be disposed and employed for and towards the Reparation, Paving and cleansing of the Streets or Place where the Offence shall be Committed, and as much or all of the other Part as the Justices shall think fit for him or them that shall discover and prosecute the same, in case the said Conviction be by such Discovery and Prosecution.

C. 2 § 24. N. 1.

Process.

And if the Conviction be by the View or Knowledge of such Justices, then the said whole Penalty to go and be Employed for and towards the Repairing, Paving and Cleansing of the said Street or Place, & shall be Levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any such Justice, to be directed to the Constable or any other Officer of the same Parish, rendering the overplus to the Party: and in default of Distress or not payment of the said Penalties within six days after demand thereof, or notice in Writing left at the House or Dwelling place of the Offender by the said Constable or any other Officer, (the said Offender not being a Peer of this Realm,) shall be committed to the Common Goal of the said County or City respectively, by the Warrant of any such Justice under his Hand and Seal, there to remain without Bail or Mainprize until payment.

N. 2.

Taxes.

And be it further Enacted, &c. That within Twenty days after the Election and Confirmation of the said Scavengers, &c. the Constables Church-wardens and Overseers for the Poor, and of the High-Wayes of the said Parishes and Places respectively, or the greater number of them, giving notice unto or calling together such Inhabitants of their respective Parishes, as have formerly borne the like Office therein; they or the greater number of them then present, shall make and settle a Tax, Rate or Assessment, according to a pound rate to be imposed or set upon the Inhabitants of the said Parish, Ward or Division, for the Year following for the purposes aforesaid, which being allowed and confirmed by any two of the Justices of the Peace of the Places aforesaid respectively, shall be Quarterly paid by every respective Inhabitant upon demand made thereof by the Head of the Parish, or other Officer appointed to Gather and Collect the same.

§ 26 N. 1.

Process.

And in case of refusal or neglect, shall by Warrant of any two Justices of the Peace under their Hands and Seals, be levied by Distress and Sale of the Offenders Goods, and for want of Distress, by Imprisonment of the Offender, &c.

N. 2.

War.

And the said Account so to be taken (viz. by the Lieutenants, &c. of the Militia of the Treasurers, Receivers, &c.) shall be forthwith certified to the

C. 3 § 12. N. 2.



Lords of His Majesties most Honourable Privy Council, and a Duplicate thereof shall be Certified to the Justices of Peace at the next General Quarter Sessions.

- § 19. N. 2. Which Oathes (viz. of Allegiance, and Supremacy, and against taking Arms against the King, &c.) any one Justice of Peace of the respective Counties and Places aforesaid, is Enabled to Administer to such respective Lieutenant, (viz. of the County before he act in Militia, &c.) as is not a Peer of this Realm, and the said Lieutenant or any one Justice of the Peace of the respective Counties and Places aforesaid, is Enabled to Administer to the respective Deputy Lieutenants not being Peers, &c. Oaths.
- C. 4. § 7. N. 2. (Viz. Parson having Curate, shall in Person read Common Prayers, &c.) upon pain to forfeit the Sum of Five Pounds to the use of the Poor of the Parish for every Offence, upon Conviction, by Confession, or Proof of two credible Witnesses upon Oath before two Justices of the Peace of the County, City, or Town Corporate, where the Offence shall be committed, which Oath the said Justices are hereby Impowered to Administer, and in default of payment within ten dayes, to be levied by Distress and Sale, &c. by the Warrant of the said Justices, &c. Religion.
- § 21 N. 1. And that any two Justices of the Peace of any County of this Kingdom, &c. and the Mayor or other Chief Magistrate of any City, or Town Corporate within the same, upon Certificate from the Ordinary of the Place made to him or them of the Offence Committed, shall and are hereby required to Commit the Person or Persons so Offending (viz. Preaching Lecture or Sermon, while dissabable by this Act of Uniformity) to the Goal of the same County, City or Town Corporate accordingly. Imprisonment.
- C. 5. § 3. N. 3. Which By-Laws, Rules, and Ordinances, (viz. by the Wardens and Assistants of the Weavers of Norwich Stuffs, &c.) being Ratified and Confirmed by the Mayor and two Justices of the Peace of the said City and County of Norwich, for the time being, and three other Justices of Peace of the said County of Norfolk, whereof one to be of the Quorum, shall be published four times in the Year at the least, at four publick Assemblies for the said Trade and Manufacture, and shall be obeyed and kept by the severall Persons within and under the said Regulation. Drapery.
- § 14. N. 1. And that if any Person shall Counterfeit any Seal of the said Trade, (viz. of Norwich Stuffs weaving, &c.) or shall Seal any piece of Stuff under the Regulation with any Counterfeit Seal, or shall remove a Seal off one piece and set it unto another piece which hath not been Sealed by the Wardens, &c. and being thereof Convicted by his own Confession, or by the Oath of two or more Witnesses to be taken before the Mayor of the said City, or his Deputy, or any one Justice of the Peace of the City of Norwich or County of Norfolk, who respectively have hereby power to Administer an Oath for that purpose, shall forfeit, &c. xl. Forfeiture.
- § 19. N. 2. And that if any Person &c. shall refuse, hinder, or will not permit the said Wardens or Assistants, or any two or more of them to Execute their Office according to the Tenure of this Act, &c. being thereof Convicted, by the Oath of one or more credible Witnesses before the Mayor, &c. or his Deputy, or any one Justice of Peace of the said City of Norwich, or County of Norfolk respectively, who are hereby Authorized to Administer such Oath, shall forfeit the Sum of xl s. &c. Process.
- § 20. N. 2. Which said Penalties and Forfeitures, together with all other Fines and Penalties, which are appointed to go to the Poor of the Trade and Manufacture, or for the use thereof mentioned in this Act; the means of recovery of which is not already, otherwise herein provided and set forth, shall be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant to be granted by the said Mayor, or his Deputy for the time being, or any one Justice of Peace of the City of Norwich, or County of Norfolk, &c. Forfeiture.
- C. 6. § 3. N. 5. And every such Assessment so made, (viz. by the Surveyers of High-ways, with two Householders of the Parish Vill. &c.) shall within six dayes after be presented to some Justice of the Peace near adjoining to the Parish where it is made, to be seen, allowed, and signed by him, Taxes.
- N. 6. And after such allowance, every Person so Assessed, &c. That shall not within twenty dayes after demand made by the Surveyers, or one of them pay such Sum, &c. shall forfeit and pay double, &c. unless upon complaint made to the said Process.

- said Justice of wrong done to such Person by that Asselsment, the said Justice shall think fit to alter the same.
- Justices.** And if any Question shall arise about the value or worth of such work, or labour, or Pan, and Team (viz. in High-ways, &c.) some Justice of the Peace near adjoyning, and not living in the said Parish, shall determine what is fit to be allowed for such work. § 4. N. 3.
- Wayes.** And be it further Enacted, &c. That it shall and may be lawful, to and for the said Surveyers of the High-ways for the time being of every such Parish, Town, Village, or Hamlet, within their severall Precincts, from time to time, by Order from the Quarter Sessions, and upon the View, and by the Allowance and Consent of two or more Justices of the Peace of the County, Authorized thereunto by the Sessions; wherein such Parish, Town, Village, or Hamlet, shall lye, under their Hands and Seals in Writing, where any Common or Publick Highway is not of the breadth of Eight Pards, from the Shores and Banks of the Ditches on either side, or from the Banks and Hedges where there are no Ditches, to assign and lay out so much of any Mans severall Lands next adjoyning to the said Common and Publick Highway, where they shall think it needful, and it may conveniently be done as shall enlarge the said way to the full breadth of Eight Pards, or so much broader towards the breadth of Eight Pards then now it is, as conveniently the place will bear from the said Shores, Ditches, Banks, or Hedges, by the consent of the owner or owners of the said Lands, according to his or their respective Interests therein, or otherwise by Order of the Justices of Peace at their Quarter Sessions, after a Writ of ad quod Damnum first Issued out and returned, to assign and lay out a more near and commodious way in and over the said Lands near adjoyning to the said common and publick Highwayes, the said Surveyers first giving such satisfaction for the said Ground unto the respective Owners of the same, according to their severall and respective Interest, in the whole not exceeding twenty years purchase.
- Forfeitures.** And (viz. all Asselsments, Fines, and Penalties for the Highwayes, &c.) be Levied, Collected, and Gathered, by the said Surveyers, or any of them, by Warrant under the Hands and Seals of any two Justices of the Peace within the County, City, Riding, Town Corporate, Liberty, or Limit, wherein the same lieth by Distress and Sale of the Goods, &c. § 12. N. 2.
- Account.** And if the said, &c. Surveyors shall not make such an Account, and Payment, &c. (viz. within the year following, new Election, &c.) any two Justices of the Peace living near to, or in the said Parish, shall and may upon Complaint unto them made, Examine the business upon Oath, and upon default found in the Surveyor, &c. shall and may commit him or them to the Common Gaol of that County, City, Riding, Town Corporate, Liberty or Limit, there to remain until he hath made a true and perfect Account and Payment, &c. § 13. N. 3.
- Justices.** And be it further Enacted, That all and every Justices of Assize, Oyer and Terminer, and Justices of the Peace, &c. are hereby Enabled and Impowered, to Inquire after, Hear and Determine all matters concerning charitable Gifts, for the Making, Amending, and keeping in Repair any Common, High-ways, Pavements, Streets, and Causeways, within the Limits of their Commission, and to make Orders therein, for the due Employment of such Charitable Gifts, according to the true intent and meaning of the Donors thereof, except Gifts to the aforesaid Uses, made in any Colledge, Hall, Free-School, or Hospital, which have Visitors of their own, and also to Hear and Determine all Offences, Defaults, and Defects in Surveyors, or others concerning the Premises. § 14. N. 1.
- Error.** Provided, that if any Person be aggrieved with such Order, they shall have Liberty to appeal to the Court of Chancery, as in the Case of a Decree made upon the Statute (viz. 43 Eliz. 4.) of Charitable Uses. § 15. N. 1.
- Certiorari.** And be it further Enacted, &c. That, &c. no Certiorari shall be allowed to remove any Information, Indictment, Presentment, Order or other Proceedings in the Quarter Sessions, of for or concerning any matter or thing in this Act, unless the Party or Parties against whom any such Information, Indictment, Presentment, Order, or other Proceeding shall be had by Verue of this Act, shall before the Allowance of such Certioraries, become bound to the Person or Persons prosecuting in the Sum of xl l. with sufficient Sureties as the Justices of Peace at their said Quarter Sessions of the Peace shall think fit, with

with Condition to pay unto the said prosecutors within one month after the Conviction of such parties Indicted, their full Costs and Damages, to be ascertained upon their Oaths, and that in default thereof, it shall be lawful for the said Justices to proceed to Trial of such Indictments, any such Writs of Certiorari to remove the same Indictments notwithstanding.

C. 7. § 7. N. 1. And be it further Enacted, &c. That it shall and may be lawful, to and for the Leather. Hatters and Wardens of the Cordwainers, Sadlers, Birdlers, and Curriers of the City of London, &c. and to and for all Justices of the Peace, Mayors, and Chief Officers of Corporations within this Realm, &c. Males, &c. as well by Land as by Water, to search for and seize any Leather or raw Hides, wrought or unwrought, cut or uncut, packed up or unpacked, intended or purposed to be Transported by any person, &c. Into any parts beyond the Sea, or into Holland, other then Calves skins, and Sheep skins, &c.

C. 9. § 2. N. 6. And the said two Justices (viz. next Parish of Poor and maimed Officer in the Poor. late Wars, &c.) upon the Examination of the truth of such Certificate, (viz. of Captain or Commission Officer, &c.) which the said two Justices are hereby Impowered to take upon Oath of the Party, and of such Witnesses as he shall produce, shall by Warrant unto the Treasurer Assign him relief, until the next Quarter Sessions to be holden for that County or Liberty, at which time a yearly Pension shall be by the said Justices or the major part of them granted in manner and form, and with power of Revocation or Alteration, as by the said Statute (viz. 43 Eliz. 3. § N. ) is further declared and directed.

C. 10. § 4. N. 1. And be it further Enacted, &c. that the several Constables and other Officers, Taxes. who are hereby Authorized to take the Account of the aforesaid Hearths & Stoves, within their particular Limits as aforesaid, shall at the next Quarter Sessions, after the last day of May to be holden for their respective Counties, deliver all such Accounts in Writing, as they shall receive, reform or take by their own view, unto the Justices of the Peace in their respective Quarter Sessions of the said Counties, together with a true note of the Names of all such Persons, who shall refuse or neglect to give unto them an account, under their Hands of such Hearths and Stoves, within their respective Houses, Offices, Chambers, and Lodgings as aforesaid.

§ 5. N. 1. And be it further Enacted, That the said Justices of the Peace shall cause all Account. the said Accounts of the several Hearths and Stoves, within the respective Counties, to be Enrolled by the Clerk of the Peace of the said respective Counties, Bindings in York-Shire, and Divisions in Lincolnshire, and also a Duplicate thereof in parchment under the Hands and Seals of three or more of the Justices of Peace of the respective Counties and Places aforesaid, who are hereby required to sign the Sum to be returned into His Majesties Court of Exchequer, within one month next after such Account delivered unto them at their respective Quarter Sessions aforesaid.

N. 2. Upon pain that the Clerk of the Peace of every such County, Riding, or Forfeiture. Division, respectively offending therein, shall forfeit to his Majesty, his Heirs and Successors, the Sum of two Hundred pounds for the first month, and for the second month he shall so neglect, every such Clerk of the Peace shall forfeit and lose his or their Place and Office, and the same shall become void accordingly, &c.

§ 13. N. 1. Provided always, and be it hereby Enacted, That if the Churchwardens and Poor. Overseers of the Poor of the Parish, together with the Minister of the same or any two of them, whereof the Minister to be one, shall in Writing under their Hands yearly Certifie their belief, that the House wherein any Person doth Inhabit, is not of greater value then of twenty Shillings per Annum, upon the full Improved Rent: and that neither the Person so Inhabiting, nor any other using the same Dwelling, hath, useth or occupieth any Lands or Tenements of their own or others of the yearly value of 10 s. per Annum, nor hath any Lands, Tenements, Goods or Chattels of the value of Ten pounds in their own possession, or in the possession of any other in trust for them, that then in such Case, upon such Certificate made by the two next Justices of the Peace, and allowed, for which Certificate and Allowance no fee shall be paid, the person on whose behalf such Certificate is made, &c. shall not be returned by the Constable or other Officer, and the said house is hereby for that year discharged, of and from all the Duties by this Act Imposed.



Merchants. Be it Enacted, &c. That where any Officer, &c. (viz. in Execution of this Act against concealing of Customes, &c.) shall be by any person, &c. Armed with Club or any manner of Weapon, forcibly hindered, affronted, abused, beaten or wounded, &c. either on Board any Ship or Vessel, or upon the Land or Water in the due execution of their Office, all and every person, &c. so refusing, affronting, abusing, beating or wounding the said Officer, &c. or their Deputies, or such as shall act in their Aid or Assistance, shall by the next Justice of Peace or other Magistrate, be committed to Prison, there to remain till the next Quarter Sessions.

Process. And the Justices of Peace of the said Quarter Sessions, shall and are hereby Impowered to punish the Offender by Fine, not exceeding one Hundred pounds, and the Offender is to remain in Prison till he be discharged by order of the Exchequer, both of the Fine and of the Imprisonment, or discover the Person that set him on work, to the End he may be legally proceeded against.

Merchants. And further, that in Case any Carman, Porter, Waterman or other Person, &c. shall assist in the taking up or Landing, Shipping off, or carrying away any such Goods, Wares, or Merchandize, (viz. not Landed in the presence of an Officer of the Customes, &c.) that then such Carman, Porter, Waterman, or other person or persons so offending, being apprehended by Warrant of any Justice of the Peace for that County, City, or Borough, which the said Justices and every of them, are hereby Authorized, to Issue, and to Examine Witnesses upon Oath concerning that fact, and the same being proved by the Oath of two Witnesses, the said Offender for such first Offence, shall and may by such Justice of the Peace be committed to the next Goal, there to remain till he and they find sufficient Surety, to be of the good Behaviour for so long time, until he and they shall be thereof discharged by the Lord Treasurer, Chancellor, under Treasurer, and Barons of the Exchequer.

Imprisonment. And in Case he or they (viz. Carmen, Porters, or Watermen, &c.) so Convicted, shall afterwards at any time Offend in like kind, (viz. taking up Goods landed without presence of Customers, &c.) that then he and they shall and may by any Justice of Peace as aforesaid, be committed to the next Goal; there to remain for the space of two months without Bail or Mainprize, or until he shall pay unto the Sheriff of that County the Sum of five pounds to the use of his Majesty, or until he shall by the Lord Treasurer, Chancellor, under Treasurer, or Court of Exchequer be thence discharged.

Poor. Be it therefore Enacted, &c. That it shall and may be lawful upon complaint made by the Church-wardens, or Overseers of the Poor of any Parish, to any Justice of Peace within forty dayes after any such person, &c. (viz. Vagrant) coming so to settle as aforesaid, in any Tenement under the yearly value of ten pounds, for any two Justices of the Peace, whereof one to be of the Quorum of the Division where any such person, &c. that are likely to be chargeable to the Parish, shall come to Inhabit, by their Warrant to remove and convey such person or persons to such Parish, where he or they were last legally settled, either as a Native, Householder, Sojourner, Apprentice, or Servant, for the space of forty dayes at the least, unless he or they give sufficient Security for the discharge of the said Parish, to be allowed by the said Justices.

Error. Provided alwayes, that all such persons who think themselves aggrieved by any such Judgment of the said two Justices, may appeal to the Justices of the Peace of the said County at their next Quarter Sessions, who are hereby required to do them Justice according to the merits of their Cause.

Husbandry. And in such Case (viz. of Harvest work, &c.) if the person, &c. shall not return to the place aforesaid, (viz. of last abode,) or shall fall sick or impotent whilst he or they are in the said work, it shall not be accounted a settlement, &c. but that it shall and may be lawful, for two Justices of the Peace, to convey the said person, &c. to the place of his or their Habitation, &c. under the pains and penalties in this Act prescribed.

Poor. And if such person, &c. shall refuse to go, or shall not remain in such Parish where they ought to be settled, &c. but shall return of his own accord to the Parish from whence he was removed. It shall and may be lawful for any Justice of the Peace of the City, County, or Town Corporate, where the said Offence shall be Committed, to send such person, &c. to the House of Correction, there

to be punished as a Vagabond, or to a publick work-house in this present Act hereafter mentioned, there to be Employed in Work or Labour.

- N. 4. And if the Church-wardens and Overseers of the Poor of the Parish, to which Justices. he or they shall be removed, refuse to receive such person, &c. and to provide work for them as other Inhabitants of the Parish, any Justice of the Peace of that Division, may and shall thereupon bind any such Officer, &c. to the Assizes or Sessions, there to be Indicted for his or their contempt in that behalf.

§ 5. N. 1. And for the said places within the Weekly Bills of Mortality in the said Corpora-  
Counties of Middlesex and Surrey respectively, there shall be elected and chosen tion.  
by the major part of the Justices of the Peace for the said Counties in their respective Quarter Sessions Assembled, out of the most able and honest Inhabitants and Freeholders of every of the said Counties of Middlesex and Surrey respectively, a President, a Deputy President, a Treasurer, and Assistants for the Corporation, &c. or Work-houses, &c. and that upon the vacancy by death or otherwise, &c. the power to Elect others in their Rooms, be in the major part of the respective Justices of Peace, who in their General Quarter Sessions from time to time, shall accordingly supply such vacant places.

- N. 2. And that at every Quarter Sessions, they shall require and take an Account Account.  
in Writing of all the Receipts, Charges and Disbursements of the Officers and Treasurer of such Corporation, &c. or Work-houses, how and how many poor People have been Employed and set to work in the year last past, and what Stock there was and is remaining.

§ 6. N. 2. And it shall and may be lawful for the major part of the Justices of Peace in Justices.  
their Quarter Sessions, to signify unto His Majesties Privy Council the Names of such Rogues, Vagabonds, Idle and Disorderly persons, and sturdy Beggars, as they shall think fit to be Transported to the English Plantations.

- N. 3. And upon the Approbation of His Majesties Privy Council to the said Justices of Peace, signified what persons shall be Transported, it shall and may be lawful for any two or more of the Justices of the Peace them to Transport or cause to be Transported, from time to time, during the space of three years next ensuing the End of this present Sessions of Parliament, to any of the English Plantations beyond the Seas, there to be disposed of in the usual way of Servants, for a term not exceeding seven years.

§ 7. N. 3. With which Tax (viz. made by Justices of Liberty or County for Stock for the Error.  
Poor,) if any, &c. find him or themselves Agrieved, supposing the same to be unequal, he or they shall and may make their Complaint known to the Justices of Peace at the next Open Sessions, who shall take such open order therein, as in like Cases is already by the Law provided.

§ 8. N. 1. And it is further Enacted, &c. That it shall and may be lawful, to and for Taxes.  
any two Justices of the respective Counties of Middlesex and Surrey by their Warrant under their Hands and Seals, to Authorize the Church-wardens or Overseers for the Poor, &c. to demand, gather and receive of every person, &c. such Sum, &c. as shall be Assessed upon them, &c.

- N. 2. And for default of payment within ten dayes after, &c. demand thereof Process.  
made, or notice in Writing left at the dwelling House or Lodging, &c. to levy by the same by Distress and Sale, &c.

§ 12. N. 1: Provided the said Orders and By-Laws, (viz. made by the Corporations for Corpora-  
the Poor, &c.) shall from time to time be presented to the Justices of Peace in tion.  
their Quarter Sessions Assembled, to be allowed by the major part of them, and confirmed by order of the said Court.

§ 15. N. 1. Be it therefore Enacted, &c. That in case any Constable, Headborough or Constable.  
Tithingmen, shall dye or go out of the Parish, any two Justices of the Peace, may make and swear a new Constable, Headborough or Tithingman, until the said Lord (viz. of the Leet) shall hold a Court, or until next Quarter Sessions, who shall approve of the said Officers so made and sworn as aforesaid; or appoint others as they shall think fit.

- N. 3. And if any Officer shall continue above a year in his or their Office, that then Justices.  
in such Case the Justices of Peace in their Quarter Sessions may discharge such Officers, and may put another fit person in his or their place, until the Lord of the Manor shall hold a Court, &c.

- Poor. Be it therefore Enacted, &c. that it shall and may be lawful to and for any Justice of the Peace to whom any Rogue, Vagabond or Sturdy Beggars so apprehended shall be brought, to reward any, &c. that shall apprehend any Rogue, Vagabond or Sturdy Beggars, by granting, &c. an Order or Warrant under his Hand and Seal to the Constable, Headborough or Tithingman of such Parish where such Rogue, &c. passed thorough unapprehended, requiring them to pay such person, &c. the Sum of two Shillings for every Rogue, &c. which shall be so apprehended. § 16. N. 2.
- Constable. And if such Constable, &c. refuse or neglect to pay the two Shillings, &c. that then the said Justices of the Peace, or any other Justice or Justices of Peace shall proceed against any such Constable, &c. according to the said Statutes (viz. 39 Eliz. 4. & 1 Jac. 7.) and to compel him to pay, &c. by, &c. (viz. 1 Jac. 7. § N.) and to allow out of the said Forfeiture the said two Shillings, and such reasonable means and allowances for the loss of time, as they shall think fit. N. 3.
- Forfeiture. And if any, &c. shall apprehend any Rogue, &c. at the Confines of any County, which passed thorough any Parish of another County unapprehended, it shall be lawful for such person, &c. to go to some Justice of Peace of that County through which such Rogue, &c. passed unapprehended, who is hereby required upon a Certificate under the Hand of some Justice of Peace of the County where such Rogue, &c. was apprehended, to grant his Order or Warrant under his Hand and Seal, requiring the said Constable, &c. to pay, &c. the Sum of two Shillings; which if he shall refuse or neglect to do, then such Justice is hereby required to proceed against such Constable, &c. and to cause him to pay r.s. or so much thereof for his expenses and loss of time, as the said Justice of the Peace shall think fit to such, which he hath forfeited by the Statute. (viz. 39 Eliz. 4.) § 17. N. 1.
- Taxes. Which rate (viz. by Constables, Church-wardens, &c. for Charges, &c.) being confirmed under the Hands and Seals of any two Justices of the Peace, &c. the said Constable, &c. shall have power by Warrant under the Hands and Seals of two Justices of Peace, to Levy by Distress and Sale of the Goods of any person refusing to pay the same, &c. § 18. N. 3.
- Bastardy. Be it therefore Enacted, &c. That it shall and may be lawful for the Church-wardens and Overseers for the poor of any Parish where any Bastard Child shall be born, to take and seize so much of the Goods and Chattels, and to receive so much of the Annual rents and profits of the Lands of such putative Father or lewd Mother as shall be ordered by any two Justices of Peace, &c. for or towards the discharge of the Parish, to be confirmed at the Sessions, for the bringing up and providing for such Bastard Child. § 19. N. 2.
- Process. And thereupon it shall be lawful for the Sessions, to make an Order for the Church-wardens or Overseers for the poor of such Parish to dispose of the Goods by sale or otherwise, or so much of them for the purposes aforesaid, as the Court shall think fit, and to receive the rents and profits, or so much of them as they shall be ordered by the Sessions as aforesaid, of his or her Lands. N. 3.
- Justices. And be it further Enacted, &c. that the Justices of Peace within the said Counties, (viz. of Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, Durham, Cumberland, and Westmerland, &c.) shall have and enjoy such and the like Powers and Authorities to raise and Levy Monies, and to do and execute all and every such other act and thing whatsoever within every Township or Village within the said County where they are Justices, as is given, &c. with in any Parish, &c. in and by the said Act, &c. (viz. 43 Eliz. 2) under such and the like pains and penalties, &c. § 22. N. 1.
- Merchants. And be it further Enacted, &c. that, &c. upon Complaint and Information given to the Justices of Peace, or any or either of them within their respective Counties, Cities and Towns Corporate at times reasonable, he or they are hereby Authorized and Required to Issue forth his or their Warrants to the Constables of their respective Counties, Cities and Towns Corporate, to enter and search for such Manufactures in the Shops being open, or Ware-houses and Dwelling-houses of such person or persons as shall be suspected to have any such Foreign Bonelaces, Embroideries, Cutwork, Fringe, Band-strings, Buttons or Needlework, within their respective Counties, Cities and Towns Corporate, and to seize the same, any Act, Statute, &c. notwithstanding. c. 13. § 3. N. 1.

(Viz.



C. 15. § 2. N. 2. (Viz. None to be Silk-Thrower, unless seven years Apprentice,) upon pain Drapery, that every person so Offending contrary to this Act shall pay, &c. forty Shillings for every month, &c. the one Moiety, &c. to the use of his said Majesty, &c. and the other, &c. to such, &c. as shall sue for the same in any of the Courts of Record within this Realm, &c. or before any the Justices of Oyer and Terminer, or the Justices of the Peace at their Quarter Sessions of the Peace by Action of Debt, Bill, Plaint or Information, &c.

§ 6. N. 2. Be it further Enacted, &c. That every such silk winder and doubler, who Collusion, shall at any time hereafter unjustly or deceitfully and falsely Purloin, Imbezill, Pawn, Sell or Detain any part of Silk delivered, &c. by any Silk-thrower or other person to them or any of them to wind or double, that in every such Case, &c. as well the Winder or Journeyman so offending as the buyer, &c. receiver, &c. of such Silk being thereof lawfully Convicted by confession of the party, &c. or by one Witness upon Oath before one or more of the Justices of Peace of the County or Liberty where the same Offence, &c. shall be committed, or if it be within any City or Town Corporate, before the Mayor, &c. who by force of this Act are Impowered, &c. to minister the same Oath, and finally to hear and determine all and every the Offences aforesaid, and to give and make to the party, &c. Grieved such recompence and satisfaction for such their Damage, and Loss and Charges thereabouts, as by the said Justice or Justices or chief Officers shall be ordered and appointed.

§ 7. N. 1. Provided, that no more Damage be given, &c. then the party grieved shall Damages, prove he is damnified and hath expended in looking after the same; and if the party, &c. so offending shall not be able, &c. to make recompence, &c. within in fourteen days next after such Conviction, &c. as by the Justice, &c. or chief Officers shall be ordered, &c. then the party, &c. so offending for the first Offence shall be apprehended and whipped, or set in the Stocks, in the place where the Offence is Committed or in some Market Town in the said County near unto the place, &c. as shall be limited and appointed by the said Justice or Justices of the Peace, or chief Officers; and for the second Offence to incur the like or such further punishment, by whipping or being put in the Stocks, as the said Justice or Justices of the Peace or chief Officers shall in their Discretion think fit and convenient.

C. 18. § 12. N. 1. And for the better execution of this Act, (viz. against Exportation of Sheeps Merchants, Wool, Woolfels, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers Earth, fulling Clay or Tobacco-pipe Clay, &c.) Be it further Enacted, That all Justices of Assize, &c. and Justices of Peace shall Inquire of all the Premises in their General Quarter Sessions, and hear and determine the same.

C. 20. § 1. N. 2. Be it notwithstanding (viz. 12 Car. 2. 24. § 13.) Enacted, &c. that, &c. as Purvey-  
often as the Service of his Majesties Navy or Ordnance shall require any  
Carriages by Land, &c. upon notice given in Writing by Warrant under the  
Hand and Seal of the Lord High Admiral, &c. of two or more of the principal  
Officers or Commissioners of his Majesties Navy, &c. the Master, &c.  
the Lieutenants of his Majesties Ordnance, for the providing of Carriages for  
the respective Service of the Navy or Ordnance unto two or more Justices of  
the Peace dwelling near unto the place where the said Carriages shall be re-  
quired, the said Justices of the Peace may and shall immediately Issue forth  
their Warrants unto such of the adjacent Parishes, Hundreds or Divisions, as  
they shall judge fit within their respective Counties and Divisions, not being  
above Twelve miles distant from the place of Lading, for the sending to a cer-  
tain place and at certain times, to be specified and appointed in the said War-  
rants such numbers of Carriages with Horses or Oxen sufficient for the said ser-  
vice, as by the Lord High Admiral, &c. or by the Master or Lieutenant of his  
Majesties Ordnance, &c. or by the principal Officers or Commissioners of his  
Majesties Navy respectively, &c. shall be by writing under their Hands and  
Seals required.

C. 27. 22. Whereas a great Number of lewd, disorderly and lawless persons being Scotland.  
Thieves and Robbers, who are commonly called Hols-Troopers, have suc-  
cessfully for many and sundry years last past been bred, resided in and frequented  
the Borders of the two respective Counties of Northumberland and Cumberland,  
and the next adjacent parts of Scotland; and they taking the opportunity of large  
wast Grounds, Heaths and Mosses, and the many Intricate and Dangerous  
wayes and by-paths in those parts, do usually after the most notorious Crimes  
committed

committed by them, escape over from the one Kingdom into the other respectively, and so avoid the hand of Justice, in regard the Offences done and perpetrated in the one Kingdom, cannot be punished in the other, 29 & 30 Car. 2.

War.

And whereas since the time of the late unhappy Distractions, such Offences and Offenders as aforesaid, have exceedingly more increased and abounded, and the several Inhabitants of the said respective Counties have been for divers years last past necessitated at their own free and voluntary Charge, to maintain several Parties of Horse for the necessary defence of their Persons, Families and Goods, and to the end the aforesaid evil and pernicious members might be apprehended and brought to Judgment.

§ 2. N. 1.

Taxes.

And whereas the most part of the Inhabitants of the said Counties, being more remote from the Borders then other persons, and consequently not so much exposed to eminent dangers as others, are therefore unwilling to contribute their proportionable parts of the aforesaid Charge, and yet notwithstanding it cannot probably or possibly be Avoided, but that those Inhabitants of the respective Counties who hold themselves most secure, most certainly sustain much Damage and Detriment in their Goods and Estates, in case the aforesaid Mobs & Troopers be not timely suppressed, but suffered to grow numerous, strong and potent; which they must needs do in case there be no restraint upon them.

N. 2.

Scotland.

Be it Enacted, &c. That from and after the Feast of St. Michael the Archangel, which shall be in the year of our Lord One thousand six hundred sixty and two, for and during the term of Five years next ensuing the date of this present Act, it shall and may be lawful for the respective Justices of Peace of the said respective Counties, or the major part of them, at any General Sessions of the Peace to be holden for the said Counties respectively, on the behalf of the said Counties or either of them, from time to time as they shall see occasion, to make an Order in open Court of Sessions for charging according to their several proportions, all and every the several Inhabitants of the said respective Counties, for the safeguard and securing of the said several Counties and Inhabitants thereof from all injury, violence, Spoil and rapine of the Mobs & Troopers aforesaid.

N. 3.

Taxes.

Provided that the said County of Northumberland be not by force of this Act at any time charged above the Sum of Five hundred pounds in the year, nor the said County of Cumberland charged above the Sum of Two hundred pounds in the year.

§ 3. N. 1.

Justices.

And for this end and purpose the said several Justices of the Peace of the respective Counties aforesaid, are hereby Impowered and Authorized at their General Quarter Sessions aforesaid, to appoint and imploy from time to time, if occasion require, any person or persons to have the Conduct and Command of a certain Number of men, not exceeding the number of Thirty men in the County of Northumberland, and Twelve in the County of Cumberland, whereby the Malefactors aforesaid may be searched out, discovered, pursued, apprehended and brought to trial of the Law.

N. 2.

Justices.

And all and every the said Justices of the Peace of the respective Counties aforesaid, or the major part of them, at any General Sessions of the Peace to be holden for the said Counties or either of them respectively, are hereby further Impowered and Authorized by force of this present Act, to make and issue forth their respective Warrants under their Hands, for the levying and collecting any Sum or Sums of Money ordered to be paid for and towards the safeguard and securing of the said Counties respectively as aforesaid, and to give full power to the several Constables and other Officers to Raise, Levy and Collect the said money, and all and every the Inhabitants of the said several Counties, according to their respective proportionable Estates in Lands or Goods, by Distress and Sale of Goods, rendering the overplus, if there be any, to the respective Owner or Owners.

N. 3.

Peace.

And the said Justices of Peace in the said several Counties, or any one of them respectively, are hereby also Authorized to Examine any complaint made against the Collectors and Constables, or any other Officers or Ministers of Justice whatsoever, or any of them; or any other refractory person or persons whatsoever, that at any time hereafter shall neglect, refuse or fail to give obedience to this Act, or shall do any act or acts in disturbance or obstruction thereof, and to bind over such person or persons to the next Quarter Sessions according to

N. 4.

the known Laws of the Land, to the end such person or persons may be proceeded withal according to Justice.

§ 4. N. 1. And the said respective Justices of the Peace as aforesaid, are hereby further Account: impowered and authorized on behalf of the said several Counties respectively, to appoint a Treasurer to receive from the said Collectors the Monies by them Collected, and to pay over the same according to the Orders they shall receive from the said Justices at their General Sessions of the Peace to be holden for the said respective Counties.

N. 2. And the said Justices are also impowered to agree and article with such per- Justices, son or persons yearly as they shall think fit to Employ in the said Service, and to take sufficient security of them for the faithful and most effectual performance thereof for the best safeguard, advantage and benefit of the People according to the true intent and meaning of this Act.

§ 5. N. 1. And in case any person or persons shall in pursuance of this Act be employed War. in the border Service, and shall at any time hereafter wilfully and corruptly, or for any sinister respect whatsoever, neglect or forbear to discover or apprehend, or to bring to Tryal any of the said persons called Mobs or Troopers as aforesaid, and shall be Convicted thereof according to Law; he or they shall from thenceforth be disabled and made incapable for ever after, to manage or take upon him or them the said Employment; and to suffer such Fine and Imprisonment according to the Quality of his or their Offence, as the Justices of Peace at their General Sessions shall think fit to inflict.

§ 6. N. 1. Provided nevertheless, and be it hereby declared, that it shall be lawful for Taxes. the Justices of Peace of either of the said Counties as aforesaid respectively, at any time hereafter, to moderate or lessen the said Charge, if they see cause.

§ 7. N. 1. Provided, that this Act shall continue and be in force for Five years, and no Days. longer. 18. Car. 2. 3. § 1. N. 2.

§ 8. N. 1. Provided alwayes, and be it further Enacted, &c. That for better suppression Scotland. and punishment of the said Mobs or Troopers flying out of England into Scotland, or out of Scotland into England, the Statutes made in the several Sessions of Parliament in the Fourth and Seventh years of King James. (viz. 4 Jac. 1. & 7 Jac. 1.) shall be renewed and put in execution according to the true Intent.

C. 6 § 6. N. 4. All and every of which said Offences (viz. want of weight and mark of Vef. Victual. sels, and ill salting and packing of Butter) are to be inquired of, sued for, heard and determined in the Sessions of Peace for the County, City, Borough, Town or Liberty, or in the Court of Record of the City, Borough, Town or Liberty wherein such Offence shall be Committed, by Action of Debt, Indictment, Information or Presentment; wherein no Escoin, Protection or wager of Law shall be allowed to the Defendant.

C. 28. § 5. N. 1. And be it further Enacted, &c. that if any Idle or Suspicious person, &c. Fish. shall in the night assemble and flock together about the Boats, Wells or Cellars belonging to any Pilchard Coast, upon any the Coasts of Cornwall or Devon. having no business there to do, and being warned by the Company or Owner of such Boats or Cellars to be gone, that then upon complaint made to any one Justice of the Peace, every such person or persons refusing so to do, shall pay Five shillings to the Poor of the Parish where such Offence was committed; or shall be set in the Stocks for the space of five hours.

C. 32. § 2. N. 1. For prevention of all which abuses, and deceits (viz. in broad Wollen Cloth.) Drapery. It is Enacted, &c. that, &c. there be and shall be a Corporation to continue forever within the said West Riding of the County of York, consisting of all the Justices of the Peace of the said West Riding, for the time being two Masters, ten Wardens, twelve Assistants and Commonalty.

N. 6. And the said Wardens, Masters and Assistants respectively, shall within Eight Oath. dayes after their first Choice and Election, take the Oaths of Allegiance and Supremacy, which any two Justices of the Peace within the West Riding, whereof one to be of the Quorum, have hereby power to administer, &c.

§ 13. N. 2. And for want of such distress, (viz. in him that forfeits xx l. for Counterfeiting, Forfeiture. Seal, &c.) such person, &c. to be committed to the Common Goal of the County where he or they shall be found, by Warrant under the Hand and Seal of any one of the Justices of the Peace of the said County, there to remain without Bail or Painsprize for the space of six months; or until such person, &c. shall have paid the Fine, &c. And



Books.

And if any Journeyman, &c. Printers, or Founders of Letters for Printing, shall refuse Employment being offered to him or them by any Master Printer, or Master Founder of Letters respectively, or neglect it when he or they have undertaken it; he or they so refusing or neglecting, shall suffer Three months Imprisonment at the least without Bail or Mainprize, upon Conviction of such his said refusal or neglect by Two Witnesses before any one or more Justice or Justices of the Peace, who are hereby Impowered to hear and examine the said Offences, and to commit the said Offender, &c. to the Common Goal of the County where he or they shall be apprehended. C. 23. § 14. N. 4.

Licence.

And if the said Books (viz. found by Searchers, &c.) so Imprinting, Binding or Striking, shall not be Licensed, then to seize upon so much thereof as shall be found Imprinted, together with the several Offenders, and to bring them before one or more Justices of the Peace, who are hereby Authorized and required to Commit such Offenders to Prison, there to remain until they shall be tried and acquitted, or convicted and punished for the said Offences. § 15. N. 2.

Apprentice.

And for the second Offence (viz. by Printers or Founders against this Act, they &c.) shall forever thence after be disabled to use or exercise the Art or Mystery of Printing, or of Founding Letters for Printing, and shall also have and receive such further punishment by Fine, Imprisonment, or other Corporal punishment not extending to Life, or Limb, as by the Justices of the Court of Kings-Bench, or Justices of Oyer, and Terminer, or Justices of Assize in their several Limits, or Justices of the Peace in their several Quarter-Sessions, shall be thought fit to be Inflicted. § 18. N. 2.

Justices.

The which said Justices of the Peace, in their several Quarter Sessions, shall have full power and authority to hear and determine all and every Offence, &c. that shall be committed against this Act, (viz. of Printing, &c.) or against any branch thereof, upon Indictment or Information by any person, &c. to be taken before them in their Sessions of the Peace respectively, and shall certify into the Court of Exchequer, as in other like Cases they are bound to do, the Fines by them Imposed, &c. and shall and may also by virtue hereof Award Process and Execution for the taking or punishing such Offenders, as in any other Case they lawfully may do, by any the Laws and Statutes of this Realm. N. 3.

## Statuta 15 Car. 2.

Wayes.

And, &c. the Justices of Peace at the Sessions of the Peace to be holden next after Easter every year for the said respective Counties (viz. Hertford, Cambridge and Huntingdon) from time to time, shall and are hereby Impowered to nominate and appoint nine sufficient and able Persons residing & Inhabiting within the said several and respective Counties, to be Surveyors in the several Places in the said Highways for the year from thence next ensuing, 16. & 17. Car. 2, Cap. 10. § 4. N. 1. 15 Car. 2. c. 1.

Forfeiture.

And be it further Enacted, That if any, &c. not having any lawful cause to be allowed as aforesaid, shall neglect or refuse to take upon him or them the said Office of Surveyor, being thereunto Nominated and Chosen according as by this Act is appointed, or to do or perform his or their duty in the due and speedy Execution of this present Act, the said Justices of the Peace for the several and respective Counties where such Surveyor, &c. dwell at their Quarter Sessions shall and may hereby have power to Impose, &c. such Fine, &c. not exceeding Ten pounds, upon Each Person so refusing or neglecting, as to them shall seem meet, and to cause the same to be levied by Distress and Sale of his or their Goods, &c. § 8. N. 1.

Officer.

And in Case of refusal, or if any, &c. so Chosen, &c. shall happen to dye, or shall for any lawful Impediment be discharged, &c. that then some other fit Person, &c. within that County shall be appointed by two or more Justices in the said County living near the said Highway, &c. and the person, &c. so Chosen shall and are hereby upon notice thereof to him or them given under the

§ 9. N. 2.

Hands and Seals of the said Justices, by whom he or they shall be so Chosen, to take upon him or them the said Office of Surbeyer, &c. and under such and the like penalties, as if he or they had been Chosen by the Justices at their Sessions of the Peace in manner as aforesaid, 16. & 17. Car. 2. 10. § 4. N. 1.

- C. 2. § 2. N. 3. And (viz. any Person, &c.) by Warrant under the Hand and Seal of any one Justice of the Peace directed to any Officer, such Officer shall have power to enter into and search the Houses, Luthouses, Pards, Gardens or other places belonging to the Houses, of all and every Person, &c. they shall suspect to have any kind of Wood, under-Woods, Poles or young Trees, or Bark or Bark of any Trees, or any Gates, Stiles, Posts, Pales, Rails or Hedge-wood, Horn or Furze. Woods.
- § 3. N. 2. And if such Offender, &c. do not make recompence, &c. to the said owner, Imprisonment. &c. and also pay the said Sum (viz. set by the said Justice not exceeding 1 s. for Breaking, Cutting or Stealing, &c.) to the Poor, &c. then the said Justice shall Commit the said Offender, &c. to the House of Correction for such time as the said Justice shall think fit, not exceeding one month, or to be whipped by the Constable or other Officer, as in his Judgment shall seem expedient.
- C. 11. § 7. N. 1. Be it Enacted, That, &c. two able Artificers (viz. Gagers, &c.) shall be appointed, &c. which, &c. shall take an Oath; which Oath any one Justice hath hereby power to administer, to take and compute the Just Contents and Weight of all Coppers, Fatts, Tuns, Bars and Coyers, and all other Brewing Measures. Measures.
- § 8. N. 1. And be it further Enacted, that no Commissioner, Farmer, or Sub-Commissioner for the Excise, or Common Brewer of Ale or Beer to sell, or Inn-keeper whatsoever, shall, &c. have power to act in or execute as a Justice of Peace any of the Powers, Clauses or things contained in any of the Laws made for and concerning the Excise or in this present Act; and if any, &c. shall presume to act or execute any thing contrary hereunto, it is hereby further declared, that all such things so acted or executed by any of them, are and shall be utterly void and null to all intents and purposes. Justice.
- § 15. N. 1. And be it further Enacted, &c. that, &c. no Person or Persons shall be permitted to sell or Retail any Coffee, Chocolate, Sherbet or Tea, without License. License. first obtained and had by order of the General Sessions of the Peace in the several respective Counties, Certificate being first shewed that they have given good Security for the due payment of their dues to the King, or the Chief Magistrate of the Place in whose Jurisdiction he or they do or shall Inhabit or Dwell, for the selling or retailing of the same.
- § 16. N. 3. All and every of which said respective Offences (viz. of Bribery of Gagers or Proof, other Officers of Excise) shall be proved by the Oaths of two Lawful and Credible Witnesses before two Justices of the Peace or chief Magistrate of the Place where such Offence shall be Committed; which said Justices or Magistrates respectively have hereby power to administer the said Oaths, and also to examine, adjudge and determine the same, and to cause such Penalties by Warrants under their Hands and Seals to be levied by Distress and Sale of the Offenders goods, rendering to the Party the overplus; and for want of such Distress, to commit every such Offender to the Common Goal of such County or Place, there to remain by the space of three months without Bail or Pains-purse.
- § 19. N. 1. Provided also, and be it further Enacted, &c. That no appeal in any Cause of Excise whatsoever shall be admitted, until the party appellant shall have first deposited and laid down the single duty of Excise in the Hands of the Commissioners, Farmers or Sub-Commissioners of Excise, within whose Jurisdiction or Division the said Cause was originally heard and determined, and have given Security to the Commissioners of the appeal, or Justice of Peace respectively, where such Cause is to be finally adjudged, for all such Fine, Forfeiture and Penalty as upon such hearing and determination was adjudged against him. Error.
- N. 2. And that if upon the hearing and determining of any such appeal, the said original Judgment shall happen to be reversed and made null, then and in every such Case the said Commissioners, Farmers or Sub-Commissioners of Excise in whose hands the said single duty of Excise was deposited, shall restore and deliver back the same, or as much thereof as shall be adjudged by the Commissioners of Appeals, or Justices of the Peace respectively to the said appellant, and the Party originally prosecuted shall pay him the double Costs. Costs.
- Provided

Lien.

Provided also, and be it Enacted, That all Differences, Appeals and Complaints that shall happen and arise between party and party in order to the payment of the duty of Excise, shall be heard and determined in the proper County, or in the several Ridings and Divisions of York-shire and Lincoln-shire where they shall arise, and not elsewhere.

§ 22. N. 1.

Justices.

And be it further Enacted, &c. That the Justices of the Peace or any two or more of them, or Chief Magistrates in the several Counties, Cities, Divisions and Places within England and Wales respectively, shall meet once in every month in their respective Divisions, or oftner if their shall be occasion, to hear and determine, and to adjudge all matters and offences against this or the aforesaid Acts, (viz. 12 Car. 2. Cap. 23. 24.

§ 24. N. 1.

Taxes.

Be it therefore Enacted, &c. (viz. against obstructions of 13. & 14. Car. 2. c. 13. § 1. N. 2. 10.) That the Justices of Peace of the respective Counties, Corporations, Places and Limits within their respective Jurisdictions, at the next Sessions to be held after the Feast of St. Michael the Archangel next ensuing or the major part of them then present, shall Issue out Warrants under their Hands and Seals to the respective High Constables or other like next Officer, who shall Issue the like Warrants unto the petty Constables, Headboroughs and Tythingmen, requiring them on the next Sunday after Morning Service ended, to give publick notice in the Church or Chappel, Generally to all the Inhabitants, and also to give notice publickly in the Church, and particularly as aforesaid to every Inhabitant within their respective Precincts that shall then be occupier of any House, Cothouse, Lodging or Chamber, that within ten dayes next after such notice, he give a true and just Account in writing under his Hand of all Hearths and Stoves in such respective House, Cothouse, Lodging and Chamber, to such respective Constable, Headborough and Tythingman.

Certificate.

Which (viz. the Account of Hearths taken and received by Petty Constable, Headborough and Tythingman,) being to be received by such respective High Constable or other like Officer as aforesaid, and compared together, shall within six dayes after such receipt be transmitted to the two next respective Justices of the Peace, who are hereby Impowered to examine the said respective High Constable, or other like Officer as aforesaid, Petty-Constable, Headborough or Tythingman, upon Oath, concerning the truth and faithfulness of their Aatings in the Premises; which being done, the said Justices shall within ten dayes after such Examination, sign and transmit the said Book and Roll, together with the said original Accounts so endorsed as aforesaid and filed, together unto the respective Clerk of the Peace, who shall within Twenty dayes next after the receipt thereof, engross the said Book or Roll in Parchment, to be still kept in the respective County and Places aforesaid, and shall also within two months engross in Parchment a true Duplicate of the said Book or Roll, which being signed by him and by two Justices of the Peace at least of the respective County and Places aforesaid, shall be transmitted within one month after such Engrossment into his Majesty's Court of Exchequer.

N. 5.

Alien.

And all Forreigners that shall really and bona fide set up and use any of the Trades and Manufactures aforesaid, (viz. Weaving, Hemp-dressing, Netts and Tapestry hangings, &c.) shall, &c. taking the Oaths of Allegiance and Supremacy before two Justices of the Peace near unto their Dwellings, who are hereby Authorized to Administer the same, enjoy all privileges whatsoever as natural-born Subjects.

c. 15. § 3. N. 1.

Common.

Provided also, and be it further Enacted, &c. That if any, &c. having a right of Common in any of the Mannors, Walks, Commons or Lands within the said Great Level of the Fens called Bedford Level, or any other Person or Persons whatsoever at any time after such Division or Inclosure made or set out as aforesaid, (viz. by Commissioners, &c.) shall break, throw down, disturb, obstruct, or by any means hinder or lay open the said Improvements and Inclosures, at, in or after the making thereof, or the Hedges, Ditches or Fences of the same or any part thereof shall destroy, and shall be thereof Convicted by two Credible Witnesses upon Oath, before two Justices of the Peace of the County where such disturbance or destruction shall be made; every such person, &c. shall forfeit for every such Offence xxl. to be Levied by distress upon the Goods and Chattels of every such Offender, &c. by Warrant under the Hands and Seals of the said Justices of the Peace before whom such Conviction shall be made, &c. or for want of sufficient Distress, the Offender shall be

c. 17. § 53. N. 1.



be Committed to the House of Correction or Common Goal for Three Months without Bail or Painsville, at the said Justices discretion.

Statuta 16 Car. 2.

16. Car. 2. 3.  
§ 2. N. 7.

**A**nd if they (viz. the Officers for search and view of Fire-Hearths, &c.) Taxes.  
shall find any Variance in the Number returned, both the Officer, &c.  
and the Constable or Tythingman, &c. to certify the same under his and  
their Hands to the Clerk of the Peace; which Certificate they are hereby en-  
joyed to make.

N. 8. And after approbation thereof by the Justices of Peace at their Sessions, the Certificate.  
same shall be Certified to his Majesties Remembrancer in the Exchequer.

§ 4. N. 2. And in Case of violent opposition or Injury done by any, to any such Offi- Peace.  
cer or his Deputy in the due Execution of this Act, and the same proved by Oath  
before any one Justice of the Peace or Chief Magistrate, &c. of the City,  
Town or Place Dwelling near unto the Place, who are hereby Authorized to  
Administer the said Oath. It shall and may be lawful to and for such Justice  
of the Peace, &c. or Magistrates, to punish such Offender, &c. if he shall find  
cause, by Imprisonment in the Common Goal for any time not exceeding the  
space of one month.

§ 8. N. 1. And if any Question or difference, shall arise about the taking any distress or Process.  
levying any Money by Virtue of this Act, (viz. of Fire-Hearths, &c.) the same  
shall be heard and finally determined by one or more of the Justices of the Peace  
near adjoining, or Chief Magistrate of the Place respectively upon complaint in  
that behalf.

§ 9. N. 2. And the Justices of Peace and Chief Magistrates, Constables and other his Justices.  
Majesties Officers within their several Limits and Jurisdictions, are hereby Au-  
thorized and required to give assistance from time to time to such Officers as  
shall be appointed, &c. for the Collecting of the said Duty, &c.

§ 10. N. 1. Provided, that no person, &c. shall be questioned for any Arrears due on or Taxes.  
before our Lady day, &c. (viz. 1664.) who shall produce to the Collector a  
Certificate approved or to be approved of by the two next Justices of the Peace,  
for their Exemption from the said duty for that time, according to the rules pre-  
scribed in the said first recited Act. (viz. 13, & 14. Car. 2. 10.)

N. 2. For any Person who hath truly paid the said duty, and shall if it be required, Proof.  
make proof thereof before any one Justice of the Peace or other Chief Magis-  
trate of the Peace, &c.

C. 4. § 3. N. 1. Be it Enacted, &c. That if any Person of the Age of Sixteen years or up- Religion.  
wards, being a Subject of this Realm, &c. shall be present at any Assembly,  
Conventicle or Meeting, under colour or pretence of any Exercise of Religion,  
in other manner then is allowed by the Liturgy or practice of the Church of  
England, &c. at which Conventicle, &c. there shall be five Persons or more  
Assembled together over and above those of the same Household, then it shall  
and may be lawful to and for any two Justices of Peace of the County, Limit,  
Division or Liberty, where such Offence aforesaid shall be Committed, or for  
the Chief Magistrate, &c. if it be within a Corporation where there are not  
two Justices of the Peace, and they are hereby required and enjoined upon  
proof to them or him respectively made of such Offence, either by Confession of  
the Party, or Oath of Witnesses, or notorious Evidences of the fact (which  
Oath the said Justices of the Peace and Chief Magistrate respectively, are here-  
by Impowered and required to administer) to make a Record of every such  
Offence and Offences under their Hands and Seals respectively.

N. 2. Which Record so made as aforesaid, shall to all Intent and purposes be in Process.  
Law taken and adjudged to be a full and perfect Conviction of every such Offens-  
der for such Offence, and thereupon the said Justices and Chief Magistrate re-  
spectively, shall commit every such Offender so Convicted as aforesaid, to the  
Goal or House of Correction, there to remain without Bail or Painsville for  
any time not exceeding the space of three months, unless such Offender shall pay  
down

down to the said Justices or Chief Magistrate such Sum of Money not exceeding Five pounds as the said Justices or Chief Magistrate, who are thereunto Authorized and required as aforesaid, shall fine the said Offender at for his or her said Offence, &c.

Indictment.

And be it further Enacted, &c. that if any, &c. shall at any time again Commit the like Offence, &c. then such Offender so Convicted of such second Offence, shall Incur the penalty of Imprisonment in the Goal or House of Correction for any time not exceeding Six months without Bail or Mainprize, unless such Offender shall pay down to the said Justices or Chief Magistrate such Sum of Money not exceeding Ten pounds, as the said Justices or Chief Magistrate, &c. shall Fine the said Offender at, &c.

§ 4. N. 1.

Imprisonment.

And be it further Enacted, &c. That if any such Offender so Convicted of a second Offence, &c. shall at any time again Commit the like Offence, &c. then any two Justices of the Peace and Chief Magistrate, &c. shall Commit every such Offender to the Goal or House of Correction, there to remain without Bail or Mainprize, until the next General Quarter-Sessions, Assizes, Goal delivery, great Sessions or sitting of any Commission of Oyer and Terminer in the respective County, Limit, Division or Liberty which shall first happen.

§ 5. N. 1.

Indictment.

When and where every such Offender shall be proceeded against by Indictment, &c. and shall forthwith be Arraigned, &c.

N. 2.

Process.

And if such, &c. shall be lawfully Convicted, &c. either by Confession or Verdict, or if such Offender shall refuse to plead the General Issue, then the respective Justices of the Peace at their General Quarter-Sessions, &c. are hereby enabled and required to cause Judgment to be Entered, &c. that such Offender shall be Transported beyond the Seas to any of his Majesties Foreign Plantations, (Virginia and new-England only excepted) there to remain seven years.

N. 3.

Ouster here.

And shall forthwith under their Hands and Seals make out Warrants to the Sheriff, &c. of the same County where such Conviction or refusal to plead, or to confess as aforesaid, shall be safely to Convey such Offender to some Port or Haven nearest or most Commodious to be appointed by them respectively, and from thence to Embark such Offender to be safely Transported, &c.

N. 4.

Process.

And the said respective Court shall then also make out Warrants to the several Constables, Headboroughs or Tythingmen of the respective places where the Estate real or personal of such &c. shall happen to be, Commanding them thereby to sequester, &c. the profits of the Lands, and distrain and sell all the Goods of the Offender, &c. for the reimbursing of the said Sheriff, all such reasonable Charges as he shall be at, and shall be allowed him by the said respective Court.

N. 5.

Forfeiture.

Provided alwayes, and be it further Enacted, That in case the Offender, &c. shall pay into the hands of the Register or Clerk of the Court or Sessions where he shall be Convicted, before the said Court or Sessions shall be ended, the Sum of one Hundred pounds, that then the said Offender shall be discharged from Imprisonment and Transportation, and the Judgment for the same.

§ 7. N. 1.

Certificate.

Be it further Enacted, That the Lieutenants, &c. and also the Sheriffs and Justices of the Peace, &c. or any of them jointly or severally, &c. with such other Assistance as they shall think meet or can get in readiness with the swiftest, on Certificate made to them respectively under the Hand and Seal of any one Justice of the Peace, &c. of his particular Information and Knowledge of such unlawful Meetings or Conventicles held, &c. and that he with such Assistance as he can get together is not able to suppress or dissolve the same, shall and may, &c. repair unto the place where they are so held, &c. and by the best means they can to dissolve and dissipate or prevent all such unlawful Meetings, and take into their Custody such of those Persons so unlawfully Assembled, as they shall judge to be the leaders and seducers of the rest, &c.

§ 10. N. 2.

Force.

Provided also, and be it Enacted, &c. That the Justices of the Peace, &c. shall and may with what aid, force and assistance they shall think fit for the better Execution of this Act, after refusal or denial, enter into any House or other place where they shall be Informed any such Conventicle, &c. is or shall be held.

§ 11. N. 1.

Provided,

- § 16. N. 1. Provided, That no dwelling House of any Par, &c. whilst he or his Wife Priviledge, shall be there resident, shall be searched, &c. but by Immediate Warrant from his Majesty under his Sign Manual, or in the presence of the Lieutenant or one of the Deputy Lieutenants, or two Justices of the Peace, whereof one to be of the Quorum of the same County, &c.
- N. 2. Nor shall any other dwelling House of any Par or other Person whatsoever Justices, be entered into with force, &c. but in presence of one Justice of the Peace &c. except in London, &c.
- § 17. N. 1. Provided also, and be it Enacted, &c. That no Person shall by virtue of this Imprisonment. Act be Committed to the House of Correction, that shall satisfy the said Justices of the Peace, &c. that he or she, or in Case of a Female Covert, that her Husband hath an Estate of Freehold or Copyhold to the value of Five pounds per Annum, or personal Estate to the value of Fifty pounds.
- 16 & 17 Car. 22. § 1 N. 4. (Viz. Coals to be xxxvi. Bushels Guildhal Measure, or cii l. Aver du Pois Measures, weigh, &c.) upon pain of Forfeiture of all the Coals which shall be otherwise sold or exposed to Sale by any Woodmonger or Retailer of Coals, and the double value thereof, to be recovered by any, &c. in any Court of Record, or by way of Complaint made unto the Lord Mayor of London for the time being, and the Justices of Peace within the City of London and Liberties thereof, or to any two of them, or to the Justices of Peace of the several and respective Counties and Places where such Coals shall be exposed to Sale, or any of them, who are hereby Impowered and required to call the Parties before them, and to hear and Examine such Complaint upon Oath, which by virtue of this Act is to be Administred by them or any two of them, and upon due proof thereof made to their satisfaction, to Convict the Offenders and to give Warrant under their Hands and Seals for levying the Forfeitures accordingly.
- N. 6. And the said Lord Mayor of London and the Court of Aldermen for the time Fuel. being, and the Justices of Peace of the several Counties respectively, or any three or more of them, whereof one to be of the Quorum, are hereby Impowered to set the Rates and Prices of all such Coals as shall be sold by Retail, as they from time to time shall Judge reasonable, allowing a Competent profit to the said Retailer beyond the Price paid by him to the Importer, and the ordinary Charges thereupon accruing.
- § 2. N. 2. And in Case of refusal (viz. by Woodmonger, &c. to sell at Prices set, the Process. Officer appointed by the Lord Mayor, or by the Justices, to enter, &c.) taking a Constable to force entrance, and the said Coals to sell or cause to be sold at such Rates, &c.
- § 4. N. 2. And if any Action shall be Commenced against any Justice of Peace, Constable or other Officer or Person for any thing done by colour of this Act, the Pleading. Defendant in every such action may plead the General Issue, and give the special matter in Evidence.
- N. 2. And if the Verdict be found for him, or the Plaintiff become Non-suited, Damages. shall recover his Damages and double Costs of Suit for his unjust vexation in that behalf.
- C. 3. § 3. N. 1. Be it further Enacted, that every Sheriff shall on the first day of every General Quarter-Sessions yearly held next after the Feast of Easter, deliver and cause to be delivered unto the Justices of Peace sitting at the same Sessions the names of all Persons of such Estates (viz. xx l. per Annum in England, and viij. l. per Annum in Wales) as are by the true meaning of this Act to be Returned for Jury-men, to the end the Estates of such Persons may be enquired after, and such Persons approved by the said Justices of Peace, or the greater number of them then present, to be Persons of such Estates to be returnable for Jury-men for the year then next ensuing.
- N. 2. And the said Justices shall have power to add such Persons having Estates Justices. of the respective values before mentioned, as they shall find to be omitted by the Sheriff amongst the Names by him delivered, and such a Competent number, and no more of such Persons as aforesaid, shall be returnable to serve of Juries for the year next ensuing, as the said Justices, or the greater number of them as aforesaid, shall think fit.



## Statuta 17 Car. 2.

- Religion. **V**iz. Non-Conformist Parson not to come within five miles of City, Town, Corporate or Borough that sends Burgesses to Parliament, or of place where he was Vicar or Preacher, &c.) before he or they have taken and subscribed the Oath aforesaid (viz. against taking Arms against the Kings Commissioner) before the Justices of the Peace at their Quarter-Sessions to be holden for the County, Riding or Division, next unto the Corporation, City or Borough, Parish, Place or Town, in open Court; which said Oath, the said Justices are hereby Impowered there to Administer. 17 Car. 2. 2.  
§ 3. N. 4.
- Forfeiture. Upon Forfeiture, &c. of 1 l. &c. one third, &c. to the King, &c. the other third, &c. to the use of the Poor, &c. and the other third, &c. to such &c. as shall or will sue for the same, &c. before any Justices of Peace in their Quarter-Sessions, &c. N. 5.
- Imprisonment. Provided also, and be it further Enacted, &c. That it shall be Lawful for any two Justices of the Peace of the respective County upon Oath to them of any Offence against this Act; which Oath they are hereby Impowered to Administer, to Commit the Offender for six months without Bail or Mainprize, unless upon or before such Commitment he shall before the said Justices of the Peace swear and subscribe the aforesaid Oath and Declarations, (viz. of Conformity, and against taking Arms, &c.) § 5. N. 1.

## Statuta 18 Car. 2.

- Cattle. **V**iz. any Constable, &c. may seize Cattle alive or dead, fat or lean Imported, &c.) and keep the same during the space of Eight and Forty hours in some publick or convenient place where such seizure shall be made; within which time if the owner, &c. or any for them, &c. shall make it appear unto some Justice of the Peace of the same County where the same shall be so seized; by the Oath of two credible Witnesses, which Oath the said Justice of Peace is hereby Impowered and required to Administer, that the same were not Imported from Ireland, or from any other place beyond the Seas not herein after excepted, after the said second day of February; then the same upon the Warrant of such Justice of the Peace shall be delivered without delay, 20 Car. 2. 7. § 5. N. 3. 18 Car. 2. 2.  
§ 1 N. 4.
- Scotland. Be it therefore Enacted, &c. That the said Act, (viz. 13 & 14 Car. 2. 22.) and every Clause, &c. therein contained, and all and every the Powers and Authorities thereby given, be, continue and remain in force until the end of seven years from the Expiration or Determination of the forementioned Act, 29 & 30 Car. 2. 2. C. 3. § 1. N. 2.
- Clergy. And be it further Enacted, &c. That the benefit of Clergy shall be taken away from great, known, and notorious Thieves and Spoil-takers in the said Counties of Northumberland, Cumberland, or either of them during the continuance of this present Act, who shall be duly Convicted for theft done or committed within the said Counties, or either of them. § 2. N. 1.
- Outster le ncre. Or otherwise, That it shall and may be lawful to and for the Justices of the Assize and Commissioners of Oyer and Terminer or Goal Delivery, before whom such Offenders shall be Convicted within the said Counties, or either of them, to Transport or cause to be Transported the said Offenders and every of them, into any of his Majesties Dominions in America, there to remain and not to return, &c. N. 2.

- C. 4 § 1. N. 3. (None to be Buried but in Woollen only, &c.) upon pain of the Forfeiture of Drapery. the Sum of Five pounds, &c. to be levied by the Church-wardens and Overseers of the Poor, &c. by Warrant from any Justice of the Peace, or Mayor, Alderman or Head Officer of such City, Town or place Corporate respectively within their several Limits, by Distress and Sale of the Goods of the Party Interred contrary to this Act, &c. or in default thereof, by Distress and Sale of the Goods of any that had a hand in the putting such Person into such Shift, Shirt, Sheet or Coffin, contrary to this Act, or did order or dispose the doing thereof.

*Statuta 19 Car. 2.*

- 19 Car. 2. 3. **A**d if any, &c. shall presume to build Contrary, &c. (viz. against the London. § 3. N. 2. rules for Rebuilding the City of London,) and be Convicted of the same by the Oaths of two or more Credible Witnesses to be taken before the Lord Mayor for the time being, or any two or more of the Justices of the Peace for the said City, who are hereby Impowered to Administer the same Oaths; that then, and in such Case the said House so irregularly built, &c. shall be deemed as a Common Nuisance.
- C. 4 § 1. N. 2. For remedy, &c. be it Enacted, &c. That the Justices of the Peace of the Poor. respective Counties, (viz. where Poor Prisoners have no Work, &c.) at any their General Sessions, or the major part of them then there Assembled, if they shall find it needful so to do, may provide a stock of such Materials as they find convenient for the setting Poor Prisoners on work, in such manner and by such wayes as other County Charges by the Laws and Statutes of the Realm are and may be levied and raised, and to pay and provide fit Persons to oversee and set such Prisoners on work.
- N. 3. And make such Orders for accounts of and concerning the Premises as shall Justices. by them be thought needful, and for punishment of neglects and other abuses, and for bestowing of the profit arising by the labor of the Prisoners so set on work, for their relief, which shall be duly observed and may alter, revoke or amend such their Orders from time to time.
- N. 4. Provided, That no Parish be rated above Six pence by the Week to Taxes. wards the Premises, having respect to the respective values of the several Parishes.
- § 2. N. 2. For some remedy, &c. Be it &c. Enacted, That any Sheriff of the res. Imprison- ment. pective Counties (viz. where numbers of Prisoners, Plague, or Diseases are, &c.) having the Custody of the Goal, or such Persons who have the Custody of the Goal, with the Advice and Consent of three or more Justices of the Peace, whereof one to be of the Quorum, may, if they shall on Inquiry or Information find it needful, upon Emergent occasions in the respective Counties, provide other safe Places for the removal of Sick or other Persons from and out of the ordinary and usual Goals.

*Statuta 20 Car. 2.*

- 20 Car. 2. 3. **A**d whensoever any Wood or Timber shall at any time, &c. be directed Wood. § 5. N. 2. to be fallen in any part of the Woods of the said late Forest (viz. of Dean in Gloucestershire, Inclosed or not Inclosed, the same shall be first viewed and allowed to be fallen by two or more of the Justices of the Peace for the said County unconcerned in the Premises, and shall not be Cut or Fallen until the same be viewed and allowed by such two or more Justices, as fit and convenient to be Cut and Fallen, and the said Justices shall have marked with a

broad Arrow and Crown, that it may remain to be seen, as they are hereby required and Impowered to do) so many and such Trees as are the most fit to be preserved for growth for Timber upon every Acre intended to be fallen; and also shall have Certified, as they are hereby likewise required to do, unto the Lord Treasurer, or Lords Commissioners of the Treasury for the time being, the names of the Places and number of Trees so viewed and allowed to be fallen, and so marked to be preserved as aforesaid.

Cattle.

And also that it shall and may be Lawful to and for any Justice of Peace of the County, or Chief Officer of the Port-Town in or near the place where such Importation, (viz. of Irish Cattle, &c.) shall be made, or where any of the Cattle, Sheep, Swine, Beef, Pork or Bacon so Imported, shall be driven or brought by Warrant under the Hand and Seal of such Justice or Chief Officer, to cause to be apprehended all and every the Pastors, Mariners and Seamen, having Charge of or belonging to such Ship or Vessel in which such Importation shall be made, and all and every other Person and Persons acting or employed in the landing, driving, attending on or taking care or charge of the said Cattle, Sheep, Swine, Beef, Pork or Bacon Imported as aforesaid, and them to Commit to the Common Goal of the said County, there to remain without Bail or Mainprize for the space of three Months.

## Statuta 22 Car. 2.

Religion.

**B**E it Enacted, &c. That if any Person of the Age of Sixteen years or upwards being a Subject of this Realm, &c. shall be present at any Assembly, Conventicle or Meeting, under Colour or Pretence of any Exercise of Religion in other manner then according to the Liturgy and Practice of the Church of England, in any Place within, &c. (viz. England, Wales, or Berwick,) at which Conventicle, &c. there shall be Five Persons or more Asssembled together, over and besides those of the same Household, &c. It shall and may be Lawful to and for any one or more Justices of the Peace of the County, Limit, Division, Corporation or Liberty wherein the Offence aforesaid shall be Committed, or for the Chief Magistrate, &c. and he and they are hereby required and enjoined upon proof to him or them respectively made of such Offence, either by Confession of the Party, or Oath of two Witnesses; which Oath the said Justice and Justices of the Peace and Chief Magistrate respectively are hereby Impowered and required to Administer, or by notorious Evidence and Circumstance of the Fact, to make a Record of every such Offence under his or their Hands and Seals respectively.

Certificate.

Which Record so made as aforesaid, shall to all Intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such Offence, and thereupon the said Justice, &c. and Chief Magistrate respectively, shall Impose on every such Offender so Convicted as aforesaid, a Fine of Five Shillings for such first Offence; which Record and Conviction shall be Certified by the said Justice, &c. at the next Quarter-Sessions of the Peace for the County or Place where the Offence was Committed.

Amercement.

Which Fine, &c. for the first and every other Offence, shall be Levied by Distress and Sale of the Offenders Goods and Chattels, or in the Case of the poverty of such Offender, upon the Goods and Chattels of any other, &c. who shall be then Convicted in manner aforesaid of the like Offence at the same Conventicle at the discretion of the said Justice, &c. so as the Sum so to be Levied on any one Person in Case of the poverty of other Offenders, amount not in the whole to above, &c. Ten Pounds upon occasion of any one Meeting, &c.

Constable.

And every Constable, Headborough, Tythingman, Churchwardens and Overseers of the Poor respectively, are hereby Authorized and required to Levy the same accordingly, having first received a Warrant under the Hands and Seals of the said Justice, Justices or Chief Magistrate respectively so to do.



- N. 4. The said Monies so to be Levied to be forthwith delivered to the same Justice, &c. and by him or them to be distributed the one third part thereof to the use of the Kings Majesty, his Heirs and Successors to be paid to the High-Sheriff of the County for the time being in manner following; That is to say, the Justice, &c. of Peace shall pay the same into the Court of the respective Quarter-Sessions; which said Court shall deliver the same to the Sheriff, and make a Memorial of Record of the payment and delivery thereof, which said Memorial shall be a sufficient and final discharge to the said Justice, &c. and a Charge to the Sheriff: which said Discharge and Charge shall be Certified into the Exchequer together, and not one without the other; and no Justice shall or may be questioned or accountable for the same in the Exchequer or elsewhere, then in the Quarter-Sessions, &c. Forfeitures.
- § 3. N. 2. And if the said Preacher or Teacher so Convicted be a Stranger, or his Name and Habitation not known, or is fled and cannot be found, or in the Judgment of the Justice, Justices or Chief Magistrate before whom he shall be Convicted, shall be thought unable to pay the same, the said Justice, &c. are hereby Impowered and required to Levy the same by Warrant as aforesaid upon the Goods and Chattels of any such Persons who shall be present at the same Conventicle, any thing in this or any other Act, Law or Statute to the contrary notwithstanding, &c. Process.
- § 6. N. 1. Provided also, and be it further Enacted, That in all Cases of this Act Error. where the Penalty or Sum charged on any Offender exceeds the Sum of Ten Shillings, and such Offender shall find himself aggrieved, it shall and may be lawful for him within one Week after the said Penalty or Money charged, shall be paid or Levied, to appeal in writing from the Person, &c. Convicted, to the Judgment of the Justices of the Peace in their next Quarter-Sessions.
- N. 2. To whom the Justice, &c. that first Convicted such Offender shall return the Justices. Money Levied upon the Appellant, and shall Certifie under his and their Hands and Seals the Evidence upon which the Conviction pass with the whole Record thereof and the said Appeal.
- N. 4. And in Case such Appellant shall not prosecute with Effect, or if upon such Costs. Trial he shall not be acquitted, or Judgment pass not for him upon his said Appeal, the said Justices at the Sessions shall give trebble Costs against such Offender for his unjust Appeal.
- N. 5. And no other Court whatsoever shall Intermeddle with any Cause or Causes of Appeal upon this Act, but they shall be finally determined in the Quarter-Sessions only. Certiorari.
- § 7. N. 1. Provided alwayes, and be it further Enacted, That upon the delivery of such Recognizance. Appeal as aforesaid, the person Appellant shall enter before the person, &c. zance. Convicting, into a Recognizance to prosecute the said Appeal with effect.
- N. 2. Which said Recognizance, the Person, &c. so Convicting, is hereby Impowered to take and required to Certifie the same to the next Quarter-Sessions. Certificate.
- N. 3. And in Case no such Recognizance be Entered into, the said Appeal to be null Bail. and void.
- § 9. N. 1. And be it further Enacted, &c. That the Justice, &c. of the Peace and Chief Magistrate respectively, or the respective Constables, Headboroughs and Tithingmen, by Warrant from the said Justice, &c. shall and may with what aid, force and assistance they shall think fit for the better Execution of this Act, after refusal or denial, to enter, break open and enter into any House or other place where they shall be Informed, any such Conventicle as aforesaid is or shall be held as well within Liberties as without.
- N. 2. And take into their Custody the Persons there unlawfully Assembled, to the Imprisonment. Intent they may be proceeded against according to this Act.
- N. 3. And that the Lieutenants, or Deputy-Lieutenants, or any Commissioned Officer of the Militia or other of his Majesties Forces, with such Troops or Companies of Horse and Foot, and also the Sheriffs and other Magistrates and Ministers of Justice, or any of them jointly or severally, within any the Counties or Places within, &c. (viz. England, Wales, or Berwick,) with such other Assistance as they shall think meet or can get in readiness with the soonest, on Certificate made to them respectively under the Hand and Seal of any one Justice of the Peace, or Chief Magistrate of his particular Information or knowledge of such unlawful Meeting or Conventicle held or to be held in their respective

pective Counties or Places, and that he with such Assistance as he can get together, is not able to suppress and dissolve the same, shall and may, and are hereby required and enjoined to repair unto the Place where they are so held or to be held, and by the best means they can to dissolve, dissipate or prevent all such unlawful Meetings, and take into their Custody such and so many, &c. as they shall think fit, &c.

**Priviledge.** Provided alwayes, that no Dwelling House of any Par of this Realm, where he or his wife shall then be resident, shall be searched by vertue of this Act, but by Immediate Warrant from his Majesty under his Sign Manual, or in the presence of the Lieutenant, or one Deputy-Lieutenant, or two Justices of Peace, whereof one to be of the Quorum, of the same County or Riding.

§ 10. N. 1.

**Constable.** And be it further Enacted, &c. That if any Constable, Headborough, Tythingman, Church-warden or Overseer of the Poor, who shall know or be credibly Informed of any such Meeting, &c. held within his Precincts, Parishes or Limits, and shall not give Information thereof to some Justice of the Peace or the Chief Magistrate, and endeavour the Conviction of the Parties according to his duty, but such, &c. or any, &c. lawfully called in aid, &c. shall wilfully and wittingly omit the performance of his duty in the Execution of this Act, and be thereof Convicted in manner aforesaid, he shall forfeit, &c. Five pounds, &c.

§ 11. N. 1.

**Justices.** And that if any Justice of Peace or Chief Magistrate shall wilfully and wittingly omit the performance of his duty in the Execution of this Act, he shall forfeit, &c. one hundred pounds, &c.

N. 2.

**Certificate.** And in Case any Person offending against this Act, shall be an Inhabitant in any other County or Corporation, or fly into any other County or Corporation after the Offence Committed, the Justice of Peace or Chief Magistrate before whom he shall be Convicted as aforesaid, shall Certifie the same under his Hand and Seal to any Justice of Peace or Chief Magistrate of such other County or Corporation wherein the said Person or Persons are Inhabitants, or are fled into.

§ 13. N. 3.

**Process.** Which said Justice or Chief Magistrate respectively, is hereby Authorized and required to Levy the Penalty, &c. in this Act mentioned, upon the Goods and Chattels of such Person, &c. as fully as the said other Justice of Peace might have done in Case he or they had been Inhabitants in the place where the Offence was Committed.

N. 4.

**Measures.** (Viz. the rls. forfeit by Selling Corn or Salt, &c. by unsealed Measures, &c.) to be Levied in such manner, and such other Penalties; for want of Distress, to be inflicted, as in and by the said former Act, (viz. 16. & 17. Car. 2. 19. § 3. N. 1.) is directed by the Warrant or Order of any one or more of his Majesties Justices of Peace within the County, City or place where such Offence shall be Committed; which said Justices respectively are hereby required and enabled to see this Statute duely Executed.

c. 9. § 2. N. 3.

**Forfeiture.** (Viz. if Mayor or Head Officer knowingly permit Sale by false Measures, or reform not on Complaint, &c.) then he or they so offending, for every such Offence upon due Proof and Conviction thereof by Presentment or Indictment before the Justices of Peace of the County where such Offence shall be Committed, at the General Sessions, &c. held for the same, shall forfeit the Sum of Five pounds.

§ 3. N. 4.

**Wayes.** And every Constable or Surveyor of the High-ways refusing or neglecting to put the said Acts (viz. heretofore made) in Execution, or wilfully suffering any Waggon or Carts to pass through his respective Limits with any more Horses or other Cattle, or in other manner then by this Act is allowed, shall upon Complaint thereof made to any Justice of the Peace of the Place or Division where such neglect shall be proved to be done by the Oath of any one Credible Witness, which Oath such Justice is hereby Impowered to Administer, or upon view of the Justice himself be thereof Convicted.

c. 12. § 1. N. 3.

**Amercement.** And shall Incur such Fine as the same Justice shall think fit to Impose on such Officer, not exceeding the Sum of rls. for any one Offence; the same Fine to be Levied by the High Constable of such Place or Division, or any other Officer by Warrant under the Hand and Seal of such Justice of the Peace upon the Goods and Chattels of the Person so offending, rendering the overplus to the owner thereof, all necessary Charges in Levying the same being first deducted, to be Employed for the Amending of the High-ways of the Pa-

N. 4.

ri-

rish or Place where such neglect shall be found, as the said Justice or Justices shall appoint for the doing thereof.

- § 2. N. 2. And that the Justices of Peace in their open Sessions shall and may enquire by such wayes and means as they think fitting, into the value of all such Lands so given or to be given, and order the Improvement and Employment of the Rents and profits thereof according to the Will and direction of the Donor of such Lands, if they find that the Persons so intrusted have been negligent or faulty in the performance of their Trust, except such Lands as have been given to the uses aforesaid to any Colledge or Hall in either of the Universities of this Kingdom which have visitors of their own, any Law, &c. notwithstanding.
- § 3. N. 3. And in Case he (viz. the rescuer or resister, &c. do not pay the said Sum viz. 11s.) within seven dayes after notice of such Conviction, that it shall and may be lawful for any Justice of the Peace where any such opposition or rescue shall be made, to Commit such Person, &c. to the Common Goal of the County where such Offence shall be Committed, there to remain until the said Forfeiture shall be paid to the Surveyor, &c. of the Highways for that Parish where the Offence was Committed, &c. Forfeiture.
- § 5. N. 2. And that where any Ground shall lye at the end of any of the said Streets or Lanes, or any other place of which there may be a dispute who ought to Pave or Amend the same, that in such Cases the Justices of Peace for the said Places respectively, shall have hereby full power and authority in their Quarter-Sessions to order and determine the same; which order, &c. shall be binding to all Persons whatsoever therein concerned, any Law, &c. notwithstanding. Wayes.
- § 9. N. 1. Provided also, and it is further Enacted, &c. That if any Person, &c. shall fail or make default to make their respective dayes labour in every year for and towards the Repairing of the Highways, or neglect to send their respective Carriages, Horses and Carts according as by Law they are respectively required, it shall and may be Lawful for the Surveyor, &c. of every Parish, and they are hereby required to make Complaint thereof to the next Justices of the Peace, who are hereby Authorized and required upon proof of any such default or neglect made before them by the Oath of one Credible Witness, (which Oath they are hereby Impowered to Administer) to Levy by Distress and Sale of the Goods of every Person failing or neglecting as aforesaid, and not having a reasonable Excuse to be allowed by the said Justices the several Penalties hereafter mentioned, &c. Forfeiture.
- § 10. N. 1. And be it further Enacted, &c. That where the Justices of the Peace of any County, City or other Place, or the major part of them at their General Quarter-Sessions, shall be fully satisfied that the Common Highways, Causeys or Bridges within any Parish, Township or Hamlet within their respective Jurisdiction, may not or will not be sufficiently Amended, Repaired and Supported by means of the Laws now in force, without the help of this present Act in all such Cases one or more Assesment, &c. upon all and every the Inhabitants, Owners and Occupiers of Lands, Houses, Tenements and Hereditaments, or any personal Estate usually ratable to the Poor within any such Parish, Township or Hamlet, shall be made, Levied, Collected and Allowed by such Person, &c. and in such manner as the said Justices by their order at such Sessions shall direct and appoint in that behalf. Taxes.
- § 12. N. 3. And the said Surveyors and Orderers (viz. of Highways) shall make return of the Defaulters and every of them, within one Month after every default made, to some neighbouring Justice of the Peace of the same County, and the said Justice shall present the same at the Quarter-Sessions of the Peace held next after such return made unto him. Certificate.
- § 13. N. 2. Therefore (viz. Because of great Rivers in Cheshire and Lancashire.) Be it further Enacted, &c. That for Ten years next following, and no longer, the respective Justices of the Peace within the said respective Counties, shall upon the Presentment of the Grand Jury at their respective and General Quarter-Sessions, have Power and Authority by Order or Warrant under the Hands and Seals of all or the major part of the said Justices, being sit at the least then Present, to cause to be Created and Builded any new Bridge or Bridges in such Place, &c. in any of the said Highways over any of the said Rivers within their respective Jurisdictions, as they shall Judge fit and necessary, and so declare Sewers.



clare by such Order as aforesaid, and likewise to repair or rebuild such other Bridges as were demolished in the late War.

Wayes.

Provided alwayes, and be it Enacted, &c. That it shall and may be lawful for any six or more Justices of the Peace of the County of Monmouth, whereof two to be of the Quorum, at their General Sessions of the Peace to be held for that County, at any time hereafter during ten years, and no longer, to Impose and Levy any Sum, &c. upon the said County for the Repairing and Amending of Uske and Basaley Bridges which are Situate upon great Rivers, and lye on very publick Rodes of the County, so as the Sum, &c. exceed not, &c. pl. l. &c.

§ 14. N. 1.

Statuta 22 & 23 Car. 2.

Corn.

**A**nd be it further Enacted and Declared, That in Case any Person, &c. who shall be Convict or Attainted of any the Offences, (viz. that in the Night time maliciously, unlawfully and willingly burn or Cause to be burned or destroyed any Ricks or Stacks of Corn, Hay or Grain, Barns, or other Houses or Buildings, or Kilns, or shall, &c. kill or destroy any Horses, Sheep or other Cattle, &c.) made Felony by vertue of this Act as aforesaid, to Avoid Judgment of death or Execution thereupon for such Offence, shall make his Election to be Transported beyond the Seas to any of his Majesties Plantations, that then the Justices of Assize, Oyer and Terminer, Goal delivery, or Justices of the Peace before whom such Offender shall be Convict or Attaine by vertue of this Act and every of them respectively, shall cause Judgment to be Entered against every such Offender, that he be Transported beyond the Seas to some of his Majesties Plantations, in the said Judgment to be particularly mentioned, &c. there to remain for the space of Seven years.

22 & 23 Car. 2.  
7 § 4. N. 1.

Trespafs.

And be it further Enacted, &c. That upon the Complaint or request of the Party, &c. Injured in any such manner (viz. by maiming Cattle, or destroying Plantations of Trees or Inclosures, &c.) any three or more Justices of the Peace for the County, Division, City, Town Corporate or Place, whereof one to be of the Quorum, shall and may, and they are thereunto Authorized and required by vertue of this Act to enquire as well by the Oaths of twelve lawful men or more of the same County, as by Examination of Witnesses upon Oath, or by any lawful wayes or means which to them shall seem meet, of and concerning any the Offences before Incurred, and Offenders therein and in order thereunto to Issue out Warrants as well for the Summoning of Jurors, as for the apprehending of all such Persons as shall or may be thereof suspected, and to take their Examination touching the same; as also to cause all such other Persons as to them shall seem likely to make discovery thereof, to appear before them, and to give Information upon Oath, of and concerning their knowledge of the Premises, so as no Person so to be Examined by the said Justices of the Peace shall be Convicted, or in any wise proceeded against for or by reason of any Offence concerning which he or they shall be so Examined as a Witness, and shall upon such his Examination make a true discovery thereof.

§ 3. N. 1.

Process.

And in case any Person or Persons, who by the said Justices be thought likely to make discovery as aforesaid, shall refuse to appear or to be Examined as a Witness, being duly Summoned by the said Justices in pursuance of this Act, it shall and may be lawful for the said Justices of the Peace to Commit the party so refusing to the Common Goal for the said County without Bail or Painsuisse, until he shall submit to be Examined upon Oath of and concerning his knowledge touching the same Offence, or the Offenders by whom the same was Committed.

N. 2.

Drapery.

(Viz. all Fines, Forfeitures and Penalties for defective Kidderminster Stuffs, &c.) shall and may be Levied by Distress and Sale of the Goods and Chattels of the Offender, &c. by Warrant under the Hands and Seals of the Bailiff, and one of the Justices of the Peace of the said Borough, &c.

c. 8. § 13. N. 2.

22 & 23 Car. 2.  
St. 2. C. 12. (2.)  
§ 3. N. 2.

Be it further Enacted, That upon Complaint made to any one or more Corn. Justices of the Peace, that any kind of Corn ground or unground, or Salt, hath been sold or bought, or delivered contrary to this Act, the proof shall lie upon the Defendant to make it appear by the Oaths of one or more Credible Witnesses, that he or they did sell or buy the same in every respect according to this and the said former Act, (viz. 22 Car. 2. 8.) wherein if such Person complained of shall fail, he or they shall forfeit and lose as is by this Act before directed (viz. the Corn, &c. or the value, &c.) to be Levied by Distress and Sale of his or their Goods or Chattels, restoring the overplus, by Warrant under the Hand and Seal of one or more Justice before whom he or they shall be so Convicted; which Penalties, by this Act appointed to be Levied, shall by the said Justice or Justices be distributed one half to the Poor of the Parish where such Offence was committed, and the other half to the Informer or Prosecutor.

C. 16. (10) § 4.  
N. 1.

And likewise that all Judges and Justices of Assize and General Goal deliv. Poor. very, and all Justices of the Peace in their Quarter Sessions shall in open Court give in Charge to the Grand Juries to enquire of and present such Offenders (viz. as conceal or defraud Gifts to poor of London burnt or infected.)

§ 5. N. 1.

And that upon Complaint made to any Justice of Peace in any County, City or Town Corporate by the Chamberlain of the City of London, or his Attornies, Solicitors, Receivers, Agents or any of them, made or appointed by him by any Writings under his Hand and Seal for prosecuting the recovery, or for recovering the said Monies or any of them against any Person or Persons for their unjust detaining of any Monies Collected for the uses aforesaid or any of them, that then such Justice of Peace shall grant his Warrant against such Persons so complained of, for the bringing of them before him.

N. 2.

And upon their Appearance before him, if it shall seem probable to the said Justice upon Examining of the Matter and Evidence given by any Witness upon Oath, which the said Justice may Administer, or other Evidence that the Person complained of doth unjustly detain any Monies Collected or appointed for the uses aforesaid or any of them, then such Justice shall by sufficient Recognizance bind him to appear at the next General Quarter Sessions, to answer the matter complained of; and to observe and abide such Order touching the same as the Justices shall then make, and upon his refusal so to be bound, to commit to the Goal, there to remain without Bail or Painspise until he shall become bound by such Recognizance.

N. 3.

And at the said Quarter Sessions whether he shall there appear or make default, yet the Justices then shall summarily proceed to the Examination of the matter complained of, and if upon Oath of one or more Witness or Witnesses, or any other Evidence the Court shall be satisfied, that he doth unjustly detain any such Monies, the Court shall adjudge and order the payment of the same presently, together with the penalty hereby appointed for not paying thereof, and such Costs for the prosecution of the same as the Court shall think fit, and if he shall not presently pay the same accordingly (to the said Chamberlain of London, or his Attornies or Agents or some of them) shall Commit him to the Goal if he be there present, there to remain without Bail or Painspise until he shall observe the said Order of Sessions.

N. 4.

And if he shall be absent, That then they shall grant their Warrant for the Apprehending or Committing of him to the Goal, there to remain until he pay the Money so ordered, and that if he cannot be taken, then for the distraining of his Goods and Chattels and Sale of the same, rendering the overplus whereby the Monies so ordered, may be answered and paid.

N. 5.

And that the definitive Order of the said Justices shall be final as touching the matter complained of or contained in such Order, from which there shall be no Appeal or Review, nor shall any Writ of Error or Certiorari lie for the Removal or Reversal of the same, nor shall the same be any wayes Impeached.

C. 17. (11) § 6.  
N. 1.

And that the Parties offending therein (viz. not yielding obedience to Orders in London for Drayning, Paving, and other works, &c.) contrary to this Act, shall and may be proceeded against, and thereof Convicted by Indictment at the next Sessions of the Peace to be held for the said City and Liberties thereof, according to his or their several Offences, unless they shall submit to the Judgment and Censure of the Persons so to be Authorized and Appointed as aforesaid, said,

said, or any Seven or more of them, and shall satisfy and pay such mult or penalty as by them shall be set and imposed for such offence into the Chamber of the City of London, &c.

Poor.

And that the Officers of the said Corporations Created and Constituted (viz. *C. 18. (12) § 4. N. 2.*) for the Poor by 13 & 14 Car. 2. 12.) in pursuance of the said Act, and their Treasurers shall make and give Quarterly Accounts to the Justices of the Peace, who are hereby required to demand and call for the said Accounts and are not to raise any more Monies upon any new Certificates whatsoever, until there be a just Account given to, and allowed by the Justices of the Peace aforesaid, according to the true Intent and meaning of the said former and this present Act.

Licence.

And be it further Enacted, that no Drover from and after, &c. (viz. 24 June, *cap. 19. (13.)* 1671.) shall be licensed, appointed or assigned by the Justices of Peace in their Quarter-Sessions or otherwise within London and Westminster, or fourscore Miles, &c. and that all such Licences shall be null and void, any former Law, &c. notwithstanding.

Justices.

And that, &c. (viz. from 24. June, 1671.) It shall not be lawful for any Justices of the Peace at their Quarter-Sessions or otherwise to License any Person to be a Drover, who doth use or Exercise the Profession or Trade of a Grafter or Butcher, nor any other Person or Persons whatsoever, unless the Person or Persons so Licensed, shall become bound to his Majesty, his Heirs and Successors with two sufficient Sureties of the same County, Division or Place where such License shall be obtained, by a Recognizance in such Sum as the said Justices shall think fit, not to sell any Cattel by him or them to be bought within the distance of sixty miles from the place where he bought the same.

Recognizance.

And that the Person so Licensed shall be known to the said Justices or some of them to be of sufficient Estate and Ability to answer the Penalty of such Recognizance in case he shall incur the forfeiture thereof.

Information.

But nevertheless, for preventing of vexatious Informations and Prosecutions by Colour of this Act.

Costs.

Be it further Enacted, That if upon any Information or other Prosecution grounded upon this Act, it shall appear to the Justices before whom the said Cause shall be brought, that any such Information or Prosecution was promoted only for vexation and without any reasonable Cause, the said Justices shall and are hereby required by virtue of this Act, to Award to the Party so unjustly accused or prosecuted, treble Costs to be occasioned by such vexatious Prosecution; the same to be recovered by Action of Debt or upon the Case; wherein no Costs, Protection or Wager of Law shall be allowed.

Cattle.

And be it further Enacted, &c. that the Justices of the Peace in every County, Riding, Division, City or Town Corporate within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, at their Quarter-Sessions shall have full Power and Authority by virtue of this Act to enquire, hear and determine all and every the Defaults and Offences in buying or selling of Cattle, committed contrary to this Act or any other Law or Statute now in Force within the County, Riding, Division, City or Town Corporate, where any such Offence shall be Committed, by Inquisition, Presentment, Bill or Information before them exhibited, and to make process thereupon.

Execution.

And upon Conviction of the Offender, to make extracts of the one moiety of the Forfeitures to be Levied to the Kings use, as they use to do of other Fines, Mutes and Amercements grown in Sessions of the Peace, and to award Execution of the other moiety to the Informer or Prosecutor by Fieri facias or Capias, as the Kings-Bench at Westminster may do, and use to do.

Certiorari.

And be it Enacted, &c. That no Certiorari shall be allowed to remove any Information or other proceedings in the Quarter-Sessions for or concerning any matter or thing in this Act or before recited Acts (viz. 2. & 3. Ed. 6. 15. & 3. & 4. Ed. 6. 20. & 15. Car. 2. 8.) or any of them, but the Justices of the Peace then present shall proceed thereupon, any Writ or Writs of Certiorari notwithstanding.

Imprisonment.

Be it therefore Enacted, &c. That it shall and may be Lawful to and for any Justice of the Peace of any County, City, Town or Liberty within, &c. (viz. England, Wales or Berwick,) by Warrant under his Hand and Seal to require the Sheriff, Gaoler or Keeper of any Prison within his respective Jurisdiction, to bring without delay the body of any Person being in Prison for



Debt, &c. (viz. on 14 April, 1671.) or Damages, and petitioning such Justice to be discharged to some Convenient place within the Distance of one mile from the said Prison.

- N. 3. And shall certify the Cause and Causes of the Imprisonment before the same Justice. Certificate.
- § 2. N. 1. And in Case such Prisoner coming before such Justice, shall take an Oath to this effect, &c. I A. B. upon my Corporal Oath solemnly profess and declare before Almighty God, that I have not any Estate real or personal in Possession, Reversion or Remainder, of the value of Ten pounds in the whole, or sufficient to pay the Debt or Damages for which I am Imprisoned. Oath.
- N. 2. And that I have not directly or Indirectly sold, leased, or otherwise conveyed, disposed of or entrusted, all or any part of my Estate thereby to secure the same to receive or expect any profit or advantage thereof, or defraud or deceive any Creditor or Creditors whatsoever to whom I stand Indebted. Collusion.
- § 3. N. 1. Then after the taking of such Oath, the said Justice shall remand the Prisoner to Prison, and shall give a Certificate thereof in Writing under his Hand and Seal to the same Prisoner, to be served upon such Person, &c. his or her Executors or Administrators, or to be left at the place of the usual abode of such Person, &c. at whose Suit the Prisoner standeth Charged and Imprisoned, thereby appointing as well the said Person, &c. as the said Prisoner to appear before the Justices at the next General Quarter-Sessions of the Peace to be holden for the same County, City, Town or Liberty. Poor.
- N. 2. When if it shall appear upon Oath, (which Oath the said Justices are Impowered to Administer) that the said Certificate was so served or left 21 dayes or more before the said Sessions, and that the said Oath taken by the said Prisoner be not disproved by good Testimony of any Credibile Person, &c. upon Oath to be Administered by the said Justices by vertue of this Act, then the said Justices being satisfied therewith, shall direct their Warrant under their Hands and Seals, commanding the said Sheriff, Goaler or Keeper of the Prison, to set at Liberty and Discharge the said Prisoner if Imprisoned for the Causes aforesaid, and no other, without paying any thing for Fee or Chamber Rent. Execution.
- N. 3. Which Warrant shall be a sufficient Discharge to the same Sheriff, Goaler or Keeper of Prison, and no Action of Escape or other Action shall be brought against them or any of them for the same in any wise. Escape.
- § 4. N. 1. Provided also, and be it Enacted, &c. That (viz. after 21 dayes Process and Oath not disproved) then if such Creditor, &c. will not be satisfied therewith, that the said Prisoner, &c. may be set at Liberty, or will Insist to have the said Prisoner continued in Goal, that then the said Creditor, &c. shall at his and their own proper Costs and Charges allow and pay Weekly a reasonable maintenance to the said Prisoner, &c. such as the said Commissioners of the Peace or any three of them in their respective Divisions shall order and appoint not exceeding xviii d. a Week. Poor.
- § 8. N. 1. Provided, and be it Enacted, &c. That in Case any Sheriff, Goaler or Keeper of Prison, shall refuse or delay to bring or discharge or set at Liberty any Prisoner according to the Order of the Justice or Justices to be made in manner as aforesaid, every such Sheriff, &c. shall forfeit and pay to such Prisoner detained contrary to such Order, the Sum of One hundred pounds, to be recovered by Action of Debt in any Court of Record, and shall be also subject to any Fine and punishment as the said Justices shall order or Award. Sheriff.
- § 9. N. 5. For (viz. Sheriffs, Goalers or Keepers of Prisons, &c. shall not) take nor receive any other or greater Sum, &c. (viz. of Persons Arrested for Debt,) for each Rights lodging or other Expences then what is reasonable and fitting in such Cases, or shall be so adjudged by the next Justice of the Peace, or at the next Quarter-Sessions. Fees.
- § 10. N. 2. For shall demand, take or receive of the said Person, &c. any other or greater Fee or Fees whatsoever for his, her or their Commitment, Release or Discharge; or for his or their Chamber Rent, then what is allowable by Law, until the same shall be settled by three Justices of the Peace whereof one to be of the Quorum, of each particular County, City and Town Corporate in their several Precincts, and for the City of London and Counties of Middlesex and Surrey the two Lord Chief Justices of the Kings-Bench and Common-Pleas, and the Lord

Lord Chief Baron, or any two of them, and the Justices of the Peace of the same in their several Jurisdictions.

Poor.

And likewise that the said Lord Chief Justices, Lord Chief Baron, and Justices of Peace in their several Jurisdictions, and all Commissioners for Charitable uses, do their best endeavours and diligence to Examine and find out the several Legacies, Gifts, and Bequests bestowed and given for the benefit and advantage of the poor Prisoners for Debt in the several Goals and Prisons in this Kingdom, and to send for any Deeds, Wills, Writings and Books of Accounts whatsoever, and any Person, &c. concerned therein, and to Examine them upon Oath, and to make true discovery thereof which they have full Power and Authority hereby to do; and the same so found out and ascertained, to order and settle in some manner and way that the Prisoners hereafter may not be defrauded, but receive the full benefit thereof according to the true Intent of the Donors.

§ 11. N. 1.

Fees.

And that these Accounts of the several Legacies, Gifts and Bequests given and bestowed upon the several Prisoners for Debt within this Kingdom, and the several Rates of Fees and the future Government of Prisons be signed and Confirmed by the Lord Chief Justices, and Lord Chief Baron, or any two of them for the time being; and the Justices of the Peace in London, Middlesex and Surrey, and by the Judges for the several Circuits, and Justices of Peace for the time being in their several Precincts, and fairly written and hung up in a Table in every Goal and Prison before the first day of November, 1671. and likewise be registered by each and every Clerk of the Peace within his or their particular Jurisdiction, and after such Establishment, no other or greater Fee or Fees then shall be so Established, shall be Demanded or Received.

§ 12. N. 2.

Games.

And moreover, that the said Game-keeper, &c. (viz. made by Lord of Royalty, that is Esq; &c.) or any other Person; &c. being thereunto Authorized by Warrant under the Hand and Seal of any Justice of the Peace of the same County, Division or Place, may in the day time search the Houses, Out-Houses or other places of any such Person, &c. by this Act prohibited to keep or use the same, as upon good Ground shall be suspected to have or keep in his or their Custody any Guns, Bows, Grey-hounds, Setting-dogs, Ferrets, Cony-dogs, or other Dogs, to destroy Hares or Conies, Hares, Tramels or other Nets, Lowbells, Hare-pipes, Snarres or other Engines aforesaid, and the same and every or any of them to Seize, Detain and keep to and for the use of the Lord of the Mannor or Royalty where the same shall be so found or taken; or otherwise to cut in pieces or destroy as things by this Act prohibited to be kept by Persons of their Degrees.

Cap. 25. (17.)  
§ 2. N. 3.

Forrest.

For remedy, &c. be it Enacted and Declared, that if any &c. shall at any time enter wrongfully into any Warren or Ground lawfully used or kept for the breeding or keeping of Conies, although the same be not Inclosed, and there shall take, chase or kill any Conies against the will of the Owner or Occupier thereof, not having lawful Title or Authority so to do, and shall be thereof lawfully Convicted in manner hereafter following; the Parties so Offending shall yield to the Party grieved treble Damages and Costs, and suffer Imprisonment by the space of three Months and after till they shall find Sureties for their good abearing.

§ 4. N. 4.

Damages.

(Viz. None to take or kill Conies in the Night, &c.) upon pain that every Person so Offending and being thereof lawfully Convicted in manner hereafter following, shall give the Party or Parties injured such Recompence or Satisfaction for his or their Damages, and within such time as shall be appointed by the Justice before whom such Offender shall be Convicted, and over and above pay down presently unto the Overseers for the use of the Poor of the Parish where such Offence shall be Committed such Sum of Money not exceeding Ten Shillings, as the said Justice shall think meet.

§ 5. N. 5.

Imprisonment.

And if such Offender, &c. do not make Recompence or Satisfaction to the said Party or Persons Injured, and also pay the said Sum to the Poor in manner and form aforesaid, then the said Justice shall Commit the said Offender, &c. to the House of Correction for such time as the said Justice shall think fit, not exceeding One month.

N. 6.

Forrest.

And it is hereby further Enacted and Declared, &c. That if any, &c. shall be found or Apprehended Setting or using any Snarres, Harepipes or other like

§ 6. N. 6.

like Engines, and shall be thereof Convicted in manner following, the Person, &c. so offending shall be liable to the Penalties in the Immediate foregoing Clause of this Act in manner as aforesaid.

- § 7. N. 2. Be it therefore further Enacted, &c. That if any shall at any time use any Fishing Net, Casting Net, Thieft Net, Drag Net, Trammel, Shove Net, or other Net whatsoever, or any Angle, Pair nose, Troll or Spear, or shall lay any Weirs, Pots, Nets, Fish-hooks, or other Engines, or shall take any Fish by any means or device whatsoever in any River, Stew Pond, Pote, or other water as aforesaid, or shall be aiding or assisting thereunto without the Licence or Consent of the Lord or Owner of the said Water, and be thereof or of any other the Offence or Offences mentioned in this Act, Convict by Confession of the Offender, or by Oath of one sufficient Witness within One month after the Offence Committed, before any Justice of Peace of such County, Riding, Division or Place wherein such Offence as aforesaid shall be Committed; which Oath the said Justice of Peace is hereby Impowered to Administer, every such Offender, &c. in stealing, taking or killing Fish, shall for every such Offence give to the Party, &c. Injured such Recompence or Satisfaction for his or their Damages and within such time as the said Justice shall appoint, not exceeding treble Damages.
- N. 3. And over and above pay down presently unto the Overseers for the use of the Poor. For where the said Offence shall be Committed, such Sum of money not exceeding 1 s. as the said Justice shall think meet.
- N. 4. And in default of payment as aforesaid, the same to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of such Justice before whom the Offender shall be Convicted, rendering the overplus, if any be. Process.
- N. 5. And for want of Distress the Offender, &c. shall be Committed to the House of Correction for such time as the Justice shall think fit, not exceeding One month, unless the Party offending shall enter into Bond with one competent Surety or Sureties to the Party injured, not exceeding the Sum of Ten pounds, never to offend in like manner. Imprisonment.
- § 8. N. 1. And be it further Enacted, That it shall and may be Lawful for every Justice of the Peace before whom such Offender as aforesaid shall be Convict, to take, cut in Pieces and destroy all and every such Angles, Spears, Pairs, Poles, Weirs, Nets, Fish-hooks, Pots, or other Engines whatsoever, where with such Offender as aforesaid shall be taken or Apprehended, Justices.
- § 9. N. 1. Provided always, and be it Enacted, &c. That if any, &c. shall find him or themselves aggrieved by any Judgment which shall happen to be given by any Justice of the Peace by virtue of this Act, it shall and may be Lawful for such Person or Persons so aggrieved, to appeal unto the Justices of the Peace in their General Quarter-Sessions which shall happen to be held next after such Judgment given, who or the greater number of them are hereby Authorized and Impowered to give such relief and make such Order therein as shall be agreeable to the Tenor of this Act. Error.
- N. 2. And such Judgment Order or Determination as by the said Justices shall be made upon the said Appeal, shall be final to all Intents and purposes whatsoever, if no title to any Land, Royalty or Fishery be therein concerned. Certiorari.
22. 26. (18.) And soasmuch as the Remedies and Provisions by those Laws, (viz. 12 Husbandry, § 2. N. 1. Car. 2. 34, & 15. Car. 2. 7. § 18.) are found not large enough to obviate and prevent the Planting thereof (viz. of Tobacco.)
- N. 2. Be it therefore Enacted, &c. That, &c. all Justices of the Peace within their several Limits and Jurisdictions, shall and do a month before every General Quarter-Sessions to be holden for their respective Counties, Issue forth their Warrants to all High-Constables, petty-Constables and Tythingmen within their several Limits thereby requiring the said High-Constables, petty-Constables and Tythingmen, and every of them, to make diligent Search and Inquisition what Tobacco is then Sown, Set, Planted, Growing, Curing, Cured or made within their several and respective Limits and Jurisdictions, and by whom; and to make a true and Lawful Presentment in writing upon Oath at the next General Quarter-Sessions to be holden for such County, of the Names of all such Persons as have Sown, Set, Planted, Cured or made any Tobacco, and what the full Quantity of Land is or was Sown, Set or Planted Justices.



Planted therewith, and who are the Immediate Tenant or Tenants, or present Occupiers of the Land so Sown, Set or Planted, who are and shall be deemed Planters thereof to all Intents and purposes.

**Husbandry.** Which said Presentment upon Oath shall be received and filed by the Clerk of the Peace of the said County in open Sessions, and after such receipt and filing, shall be a sufficient Conviction in Law to all Intents and purposes of all such Persons as shall be so presented for the Sowing, Setting, Planting, Improving to Grow, making or Curing Tobacco either in Seed, Plant, Leaf or otherwise, contrary to the said recited Acts (viz. 12 Car. 2. 34 & 15 Car. 2. 7. § 18.) or either of them; unless such Person or Persons so presented having notice given to him or them of such Presentment made by the delivery of a Copy of such Presentment to him or them, or by leaving a Copy of such Presentment at his or their dwelling House or Houses, or usual place of abode in the presence of one or more Credible Witnesses, Ten days at the least before the next Quarter-Sessions, shall at the Quarter-Sessions next after such notice shall be given to him or them, Traverse such Presentment, and find sufficient Sureties for the prosecuting and trying such Traverse at the Quarter-Sessions to be holden for the said County next after such Traverse shall be entered or made.

§ 3. N. 1.

**Process.** And it is hereby further Enacted, That all Constables, Tythingmen, Bayliffs and other publick Officers, shall and do within their respective Jurisdictions from time to time as often as occasion shall require, within Fourteen days after Warrant from two or more of the Justices of the Peace within such County, Town, City or Place to them, calling to their Assistance such Person and Persons as they and every of them shall find convenient and necessary, pluck up, Burn, Consume, Tear in pieces and utterly destroy all Tobacco so Sown, Plant, Leaf, Planted, Sowed or Growing in any Field, Earth or Ground.

§ 4. N. 1.

**Forfeiture.** And if any such Tobacco shall be suffered or permitted to Grow or be unconsumed in Seed, Plant, or Leaf in any Township, Tything, Parish, Hamlet or place by the space of Fourteen days after the receipt of such Warrant or Warrants by the said Constables, Tythingmen, Bayliffs or other publick Officers of the respective Townships, Tythings, Parishes or Hamlets as aforesaid, that then such Constables, Tythingmen, Bayliffs or other publick Officers respectively shall for every such Offence forfeit and pay the Sum of Five shillings for every Rod, Perch or Pole of Ground so Set, Planted or Sowed with Tobacco, and so proportionably for a greater or lesser Quantity of Ground one moiety thereof to the Kings Majesty, and the other moiety thereof to him or them that shall sue for the same, to be recovered by Action of Debt, Bill, Plaint or Information in any of his Majesties Courts of Record at Westminster.

§ 5. N. 1.

**Process.** And it is hereby further Enacted, That in Case any, &c. shall refuse or neglect to Aid or Assist, being thereunto required, any Constable, Bayliff, or other publick Officer in the due Execution of this Act, that every such person, &c. for every such Offence upon Conviction thereof made before two of the Justices of the said County where such Offence shall be Committed, shall forfeit and pay the Sum of Five shillings, to be Levied by Warrant from the said Justices by Distress and Sale of the Offenders Goods; and in Case no Distress can be found, then every such Offender shall be Committed to the Common Goal of the said County, there to remain for the space of One week without Bail or Mainprize.

§ 6. N. 1.

**Process.** And if any person, &c. whatsoever shall forcibly resist any Constable, Bayliff, or other publick Officer or other person, &c. whatsoever in the due Execution of this Act, That then every such person for every such Offence upon Conviction thereof made before two Justices of the Peace of the said County where such Offence shall be Committed, shall forfeit and pay the Sum of Five pounds, to be Levied by Warrant from the said Justices by Distress and Sale of the Offenders Goods; and in Case no Distress can be found, then every such Offender shall be Committed to the Common Goal of the said County, there to remain for the space of Three months without Bail or Mainprize.

§ 7. N. 1.

**Pleading.** And be it further Enacted, &c. That if any Action, Plaint, Suit or Information shall be Commenced or Prosecuted against any, &c. for what he or they shall do in Pursuance or Execution of this Act, or either of the recited Acts, (viz. 12 Car. 2. 34. & 15 Car. 2. 7. § 18.) such Person, &c. so Sued in any Court

§ 8. N. 1.

Court whatsoever shall or may plead the General Issue, Not Guilty, and upon any Issue joyned, may give this Act and the said recited Acts or either of them and the special matter in Evidence.

- N. 2. And if the Plaintiff or Prosecutor shall become Nonsuit, or forbear further Costs, prosecution, or suffer Discontinuance, or if a Verdict shall pass against him, the Defendant, &c. shall recover their Costs for which they shall have the like remedy as in Case where Costs are given by Law to the Defendants.

Statuta 25 Car. 2.

25. Car. 2. 2. **A**d that all and every such Person, &c. (viz. Officer, or Patentee under the King, &c.) to be admitted after the first day of Easter Term, &c. (viz. 1673.) not having taken the said Oaths viz. of Supremacy and Allegiance, in the said Courts aforesaid, (viz. B. R. or Chancery) shall at the Quarter Sessions for that County, or place where he or they shall reside, next after such his Admittance, &c. into any of the said respective Offices or Employments aforesaid, take the said several and respective Oaths as aforesaid. Patents, § 2. N. 2.

Statuta 29 Car. 2.

29. Car. 2. 7. **A**d that no person, &c. shall use Employ or Travel upon the Lords Religion, Day with any Boat, Wherry, Lighter or Barge, except it be upon extraordinary occasion to be allowed by some Justice of the Peace of the County, or head Officer, or some Justice of the Peace of the City, Borough or Town Corporate where the Fact shall be Committed.
- N. 3. Upon pain that every Person so Offending shall forfeit and lose the Sum of Five Shillings, for every such Offence. Forfeiture.
- N. 4. And that if any person Offending in any of the Premises, shall be thereof Days. Convicted (viz. for Trading on the Lords Day, &c.) before any Justice of Peace of the County, or the Chief Officer or Officers, or any Justice of Peace of or within any City, Borough, or Town Corporate where the said Offences shall be Committed, upon his or their View or Confession of the Party, or proof of any one or more Witnesses by Oath (which the said Justices, Chief Officer, or Officers is by this Act Authorized to Administer) the said Justice, or Chief Officer or Officers shall have Warrant under his or their Hand and Seal to the Constables or Church wardens of the Parish, &c. where such Offence shall be Committed, to Seize the said Goods cried, shewed forth, or put to Sale as aforesaid; and to Sell the same, and to Levy the said other Forfeitures and Penalties by way of Distress and Sale of the Goods of every such Offender distrained, rendering to the said Offenders the overplus of the Monies raised thereby.
- N. 5. And in default of such Distress, or in Case of Insufficiency or Inability of the said Offender to pay the said Forfeitures or Penalties, that then the party Offending be set publicly in the Stocks by the space of Two hours. Imprisonment.
- N. 6. And all and singular the Forfeitures or Penalties aforesaid (viz. for Trading or Travelling, &c. on the Lords Day) shall be Employed and Converted to the use of the poor of the Parish where the said Offences shall be Committed, saving only that it shall and may be lawful to and for any such Justice, Mayor or head Officer or Officers, out of the said Forfeitures or Penalties to reward any person, &c. that shall Inform of any Offence against this Act according to their Discretions; so as such reward exceed not the third part of the Forfeitures or Penalties. Forfeiture.

## Statuta 29 &amp; 30 Car. 2.

- Scotland. **B**E it therefore Enacted, &c. (viz. because found necessary) that the said <sup>29 & 30 Car.</sup> two former Acts (viz. 13 & 14 Car. 2. 22 & 18 Car. 2. 3.) and either of <sup>2. 2. § 1. N. 2.</sup> them, and every matter Clause and Clauses therein contained, and all and every the Powers and Authorities thereby given, shall be, continue, and remain in full force from henceforth for and during the space and time of Seven years, and also from thence until the End of the first Session of the next Parliament.
- Peace. **B**E it further Enacted, &c. that the said several Justices of the Peace of the <sup>§ 2. N. 3.</sup> said respective Counties, shall from time to time at the respective Quarter-Sessions take good and sufficient Security of the Person or Persons by them Employed in the said Service for the preservation of the said respective Counties from Theft and Rapine, to answer the Damages sustained by any person or persons by his or their neglect or default therein, and to pay and satisfy the same within Four months after that proof thereof shall be made by the Oath of one or more Credible Witnesses before the Justices of the Peace of the said respective Counties, at the next Quarter-Sessions in the respective County.
- Oath. **W**hich Oath or Oaths the said Justice or Justices are hereby Authorized to Administer, so as the Words shal be entered in one of the Books to be kept for that purpose within the space of xlviii hours after the same shall be sholn or gone. <sup>N. 3.</sup>
- Record. **A**nd that Books shall be kept for that end in every Market Town of the said respective Counties, and at such other Convenient places therein, and by such person or persons as the said Justices of the Peace in the said respective Counties at their General Sessions of the Peace shall order or appoint. <sup>N. 4.</sup>
- Justices. **A**nd be it further Enacted, &c. that the said several Justices of the Peace of the said respective Counties at the General Quarter-Sessions of the Peace for the said County respectively, shall yearly or every two years at the furthest in open Court make choice thereof, and appoint such Person or Persons as they shall respectively think fit for the said Counties respectively to be Employed in the said Service. <sup>§ 3. N. 1.</sup>
- Religion. **P**rovided that every Person and Persons employed for the preservation of the said respective Counties from Theft and Rapine, or as Treasurer for the said Service, do receive the Sacrament of the Lords Supper according to the usage of the Church of England in some publick Church upon some Lords Day commonly called Sunday, within the space of Threë months after they shall enter upon such Employment, and deliver a Certificate thereof to the next Quarter-Sessions in the respective County where they shall be so Employed, and take the Oaths of Allegiance and Supremacy, and make and subscribe the Declaration appointed to be made and subscribed in and by one Act in this present Parliament, &c. (viz. 25 Car. 2. 2.) &c. under the Penalties and Forfeitures by the said Act appointed. <sup>§ 4. N. 1.</sup>



## Statuta 30 Car. 2.

30 Car. 2. 3. (Viz. The Five pounds Penalty for not Burying in Woollen, &c.) to be Drapery.  
 § 4. N. 4. Levied by way of Distress and Sale thereof, by Warrant of the Chief Magistrate, in any Town Corporate, or any Justice of the Peace, &c.

§ 5. N. 1. And it is hereby further Enacted, &c. that the said Affidavit, (viz. of Parties being Confined in Woollen only) shall be made or taken before some Justice of the Peace, or Master of the Chancery, Ordinary or Extraordinary, Mayor, Bailiff, or other Chief Officer of the City, County, Borough, Corporation, or Market Town in the County where the said Party was Buried, who are hereby Authorized and required to Administer the said Oath, and to attest the same under their Hands upon such Affidavit gratis. Oath.

N. 2. And in Case no such Affidavit shall be brought to the Person, &c. where the Church, said Party was Buried, &c. within the said Eight dayes, that such Person, &c. shall forthwith, &c. cause notice thereof to be given in Writing under his Hand to the Churchwarden or Overseers of the Par of such Parish, who shall within Eight dayes after such notice repair to the Chief Magistrate in any Town Corporate, &c. or else to any Justice of the Peace who upon the Certificate thereof from the said Person, &c. shall forthwith grant a Warrant for the Levying of the said Forfeiture on the Goods and Chattels, &c. rendering the overplus, &c.

§ 6. N. 3. And in Case such Chief Magistrate or Justice of the Peace shall neglect his Duty, in not Issuing his Warrant for the Levying of the said Forfeiture. Process.

N. 4. He or they so neglecting or Offending shall forfeit for every such Offence the Sum of Five pounds. Forfeiture.

§ 10. N. 1. And it is further Enacted, &c. that, &c. the said Justices at their respective Assizes, and the Justices of the Peace at their respective Quarter-Sessions shall give this Act in Charge. Justices.

C. 4 § 3. N. 1. And all Justices of the Peace within their several Counties and Divisions, Poor, are hereby Authorized and Impowered to put in Execution all such Powers, Directions and Authorities for the full Release and Discharge of such Persons as were in Prison, &c. (viz. on 14 April, 1671.)

N. 2. And of all such other Persons as have been since that time Committed to Prison, and are in Prison, &c. (viz. on 29 May, 1678.) as the said former Act, (viz. 22 & 23 Car. 2. Cap. 20. (7) hath made and provided for the Release and Discharge of such who were in Prison for Debt or Damages, &c. (viz. on 14 April, 1671.) Imprisonment.

§ 4. N. 3. And if within the space of Three months after such Weekly allowance by any Creditor, no Estate of the Prisoner shall be discovered or made out before two Justices of the Peace of that County and Division where the said Prisoner is kept in Prison, then the said Prisoner shall forthwith be Discharged by Warrant under the Hands and Seals of any two Justices of the Peace of the same County and Division where the said Prisoner shall be so in Prison, to the Bxper of such Prison in that behalf directed as fully and amply as if such Prisoner had been Discharged by the Justices of the Peace at their Quarter-Sessions, as in the said recited Act (viz. 22 & 23 Car. 2. 20. 7.) is mentioned. Execution.

And

- Sheriffs.** And be it Enacted, &c. That in Case any Sheriff, Coaler, and Keeper of Prison shall refuse and delay to bring and discharge, and set at Liberty any Prisoner, &c. according to the Order of the Justice or Justices of the Peace made in pursuance of this Act, or of the said former recited Act, (viz. 22 & 23 Car. 2. 20. 7.) every such Coaler, Sheriff, or Keeper of Prison shall forfeit and pay to such Prisoners so detained contrary to such Order the Sum of x l. to be recovered by Action of Debt in any of his Majesties Courts of Record. § 7. N. 1.
- Justices.** And shall also be subject to such Fine and Punishment as the said Justices of Peace shall upon Complaint thereof to them made order and Award. N. 2.
- Poor.** And in Case the profit of his Labor (viz. of Prisoner kept at Work on request of Creditor, &c.) shall exceed the value of his maintenance, one moiety of the overplus shall go towards the payment of his Debts for which he remains in Execution, the other moiety shall be paid to the Hands of the said Prisoner, the said moieties to be distributed accordingly by the two next Justices of the Peace. § 13. N. 2.
- Imprisonment.** And be it Enacted, That any Judge of such Court whereto such Debtor is a Prisoner, or the two next Justices of the Peace to such Work-house shall and may have power to Commit such Debtor being brought before him or them by Habeas Corpus, or Order under the Hands and Seals of such two Justices unto any Work-house within the County where such Prison is there to remain according to this Act. § 15. N. 1.
- Debt.** But such Prisoner (viz. upon mean Process not giving Warrant of Attorney before any Justice of Peace that is applied to for discharge, &c.) shall in Case of his refusal to give such Warrant of Attorney, lose the whole benefit of this Law. § 18. N. 2.
- Oath.** Provided alwayes, that no Prisoner shall be discharged by vertue of this Act, until he shall before the Justices of Peace who are by this Act Impowered to discharge him, declare upon his Corporal Oath, which Oath the said Justices are hereby appointed to Administer, what Estates are belonging to him, or what Debt or Debts are then owing to him within any of his Majesties Dominions or elsewhere, and by whom, and for what Cause, and upon what Security. § 20. N. 1.
- Debt.** Of all which a Schedule shall be made in the presence of such Justices, and Subscribed by the Prisoner, and shall be by such Justices returned to the next Sessions there to be kept for the better Information of the Creditors of such Prisoner. N. 2.
- Measures.** And it is hereby further Enacted, &c. That in Case after the Admeasuring or Marking of any Boat, or Bael, or Cart, or Wain, (viz. for Measuring Coals at New-Castle, &c.) the Marks shall be removed or altered, that every person or persons who had a hand in the doing thereof, shall upon proof thereof by one or more credible Witnesses before any Justice of the Peace, forfeit the Sum of x l. to be Levied upon his Goods and Chattels by Distress and Sale thereof, by Warrant of such Justice of the Peace, rendering the overplus, and for failure of such Distress to be Committed to the Common Goal, there to remain for the space of Three months without Bail or Mainprize. c. 8. § 6. N. 1.
- Fish.** And to the Intent that a perfect Execution may be had of this present Act, (viz. against Fishing, and destroying fry of Fish in the Severn, &c.) c. 9. § 3. N. 1.
- Justices.** Be it Enacted, &c. That the Justices of Peace within the said respective Counties of Worcester, Salop and Gloucester wherein they shall be Justices, shall be and are hereby appointed Conservators of the said River, and to make one or more under-Conservators within their respective Limits. N. 2.
- Process.** And that the said Justices of the Peace shall Issue forth their Warrants under the Hands and Seals of any two of them, directed to such under-Conserva- N. 3.

to, or Conservators, or to any Constable, Tythingman, or Headborough where any such Offence shall be Committed, upon their own Knowledge or Information to them given, to search in the day time in all suspected Houses and places for all such Nets, Instruments, Devices, and other Engines, and the same to Seize and bring before the said Justices or in their open Quarter-Sessions, that the said unlawful Nets, Instruments, Devices, and Engines may upon the View thereof be burnt, or made useless.

§ 4. N. 1. Provided alwayes, That no Person or Persons Offending as aforesaid, (viz. Fish. in Fishing or watering Hemp in the Severn, &c.) shall be punished for any of the Offences aforesaid, unless by Information or Indictment before his Majesties Justices of Assize, and Nisi prius, Oyer and Terminer, and General Goal Delivery, or in the General Sessions of the Peace to be holden for the said County respectively wherein the same shall be Committed.

N. 2. And upon Conviction of any Person, &c. for any of the Offences aforesaid, (viz. Fishing or watering Hemp in the Severn,) the said respective Courts shall Award Execution for the said Forfeitures, the one moiety thereof to the use and benefit of the Poor of the Parish where the said Offence shall be Committed, and the other moiety to such person or persons as shall prosecute the same by Fieri facias, or Capias ad satisfaciendum, as the Kings Majesties Justices at Westminster may and use to do. Execution

Statuta 31 & 32 Car. 2.

31 Car. 2. 2. § 21. N. 2. **B**E it therefore Enacted, That where any person shall appear to be Committed by any Judge or Justice of the Peace, and charged as Accessory before the Fact, to any Petty Treason or Felony, or upon suspicion thereof or with suspicion of Petty-Treason or Felony, which Petty-Treason or Felony shall be plainly and specially expressed in the Warrant of Commitment, that such person shall not be removed or Bailed by vertue of this Act, or in any other manner then they might have been before the making of this Act. Imprisonment.

Statuta 32 Car. 2.

32 Car. 2. 1. § 3. N. 1. **B**E it therefore Enacted, &c. (viz. to avoid Travel, &c.) That, &c. where no Justice of Peace shall reside, or to be found in any Parish where any Party shall be Interred, the Oaths and Affidavits (viz. 30 Car. 2. 3. § 4. N. 2. of Burying in Woollen, &c.) may be Administred not only by any Justice of the Peace, or Master of Chancery, Ordinary or Extraordinary, Mayor, Bayliff or other Chief Officer of the City, County, Borough, Corporation, or Market Town in the County where any Party was Buried. But also that the Parsons, Vicars and Curates in every Parish or Chappel of Ease within the County where any Party shall be Interred, except only the Parson, Vicar and Curate of the Parish or Chappel of Ease where the Party is Interred (concerning whose Interment in Woollen such Affidavit is to be made) be and are hereby Authorized and required to Administer the said Oaths or Affidavits, and to attest the same under their hands Gratis. Drapery.

c. 2. § 6. N. 2. The same (viz. xl. s. for every great Cattle, and x s. for every Sheep or Swine Import from Ireland not Seized, Killed and Distributed by Seizors, Church-



Church-wardens, and Overseers failing of their Duty, &c.) to be Levied by Distress and Sale of the Goods and Chattels, of the Person, &c. so Offending, by Warrant under the Hand and Seal of any Justice of Peace of the said County or place where the said Offence shall be Committed, upon Confession of the party, View of the said Justice, or Oath thereof made before such Justice by one or more Credible Witnesses, &c. other then the Informer, which Oath the said Justice hath hereby power to Administer, rendering the overplus to the Owners thereof, necessary Charges of distraining being first deducted.

And for want of such Distress the said Offender, &c. to be Committed to the common Goal of the said County or place, there to remain for the space of three months without Bail or Penance.

N. 3.

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Several Heads wherein *Lambert*, *Crompton*, and *Dalton* are Reduced, and the Particular Statutes accommodate to present use.

Abby.

*Moneftries, Religious, Houfes, Chuntries.*

- I. **O**N 27 H. 8. 27. (28.) §. 11. N. 1. the Quarter and General Sessions shall Hear and Determin the not keeping Houles of Husbandry and Tillage by the Patentee of the Scite &c. and this is given in Charge *Lamb.* 4. cap. 4. pag. 463. *Crompt.* 96. see 21 Jac. 28. §. 11. N. 39. 69.

*Abettors, see Accessary and Appeal.*

Abjuration.

*Oath, Sanctuary, Exile.*

- I. **D***Alt.* J. P. cap. 68. A man that is abjar'd, may have the surety of the Peace granted to him, or against him; for notwithstanding the Abjuration, he oweth the King his Legiance, and remaineth within the Kings Protection, and the King may pardon and restore him again: *Qui abjurat Regnum amittit Regnum non Regem*, 7 Co. 9. b. *Calvin's* case. Surety of the Peace.
- II. *Dalt.* J. P. cap. 92. also to kill a man that hath abjured the Realm, is Felony, 7 Co. 9. b. & Dr. & Stud. 133. Homicide.
- III. By 9 H. 3. St. 2. cap. 10. *Charta de Foresta*, Deer-killer that cannot find Sureties after a year and a days Imprisonment, shall abjure the Realm. Forest.
- IV. By *Westm.* 1. (3 Ed. 1.) cap. 15. §. 1. N. 3. the Sheriff shall not let to Bail those which have abjured the Realm. Bail.
- V. By 3 Ed. 1. (*W.* 1.) cap. 20. §. 1. N. 2. if Trespassers in Parks after three years Imprisonment cannot find Sureties, he shall abjure the Realm. Forest.
- VI. By 9 Ed. 2. cap. 15. §. 1. N. 2. a Clerk submitting to the Law, and taking Sanctuary, shall not be forced to abjure. Ecclesiastical persons.
- VII. By 21 H. 8. 2. Persons abjure to be marked with an hot Iron on the Thumb. Pain.
- VIII. By 22 H. 8. 14. §. 1. N. 6. Persons taken out of Sanctuary after Abjuration, to be Hang'd, 3 Inst. 115. Sanctuary.
- IX. *Lamb.* 2. cap. 7. pag. 200. one Justice of Peace may take out of Sanctuary certain persons abjured thither, and others being Indicted of some kind of offences done after they became Sanctuary-men, 22 H. 8. 14. §. 3. N. 2. so *Crompt.* J. p. 195. §. 7.
- X. By 35 Eliz. 1. §. 2. N. 3. the Abjuration of a Seditious Sectary (being made in the open Quarter-Sessions of the Peace) ought to be certified from thence to the Justices of Assize at the next Assizes. Certificate.
- XI. By 35 Eliz. 2. §. 8. N. 4. Popish Recusant (unless Feme Covert) not having twenty Marks *per annum*, shall abjure before two Justices. Pope.
- XII. *Lamb.* 4. cap. 4. pag. 414. Article of Charge at the Sessions of the Peace, on 35 Eliz. 1. §. N. & cap. 2. §. 8. N. 5. If any Popish Recusant, or other Seditious Sectary, which is by any of the Statutes to be abjured this Realm,



Realm, and all his Majesties Dominions, have either refused to make such Abjuration, or making it have not gone to such Haven within such time as was to him therefore appointed, and have not from thence departed this Realm, or after such departure have returned into any his Majesties Dominions without his special license.

Sessions. XIII. *Lamb.* 4. cap. 19. pag. 619. the Abjuration of a Seditious Sectary ought to be made in the open Quarter-Sessions of the Peace, and there to be entred of Record; and the place certain, and name of a Popish Recusant, (limied by the Statute unto a place) ought to be certified by the Minister and Constable that took and entred it, to the next Quarter-Sessions of the Peace, and there be entred of Record in the Rolls of the Sessions by the Clerk of the Peace, 35 *Eliz.* 1. §. N. 35 *Eliz.* 2. §. 9. N. 1.

Sanctuary. XIV. 3 *Inst.* 115. cap. 51. Abjuration was so intricated by 22 *H.8.* 14. and other Statutes, that all stood repealed by 1 *Jac.* 25. §. 14. N. 1. whereby the ancient Common Law concerning Abjuration for Felony was revived, but by an Act (*viz.* 21 *Jac.* 28. §. 7. N. 1.) no Sanctuary shall be allowed, by which Act such Abjuration as was by the Common Law founded upon the Priviledge of Sanctuary, is wholly taken away.

Abjuration. XV. *Poult. de pace* 189, 190. §. 2, 10, &c. and in *Stamf.* 2. cap. 39, fol. 116: the manner of Abjurations, *Bract.* 135. b. 136. e. 3 *Inst.* 217.

Abolution, see Pope.

## Accessory.

Accessory, Abettors, Principal, Coron.

Bayle. I. *Stamf.* 2 cap. 18. fol. 71. the Accessary is Repleviable by the Common-Law until the Principal be Attaint, but not afterwards by some Books, as appears by *Bract.* 2.

And *Britton* 43. and the Register 270. which say that the Accessary shall be left to Mainprise until the Principal be Attaint, *Ergo* after the Principal is Attaint he shall no more be let to Mainprise but detain'd in Prison, and with this agrees 27. *Aff. Coron.* 200. *Trin.* 28. Ed. 3. Mainprise 3 where one of the Principals was Attaint, the other not also it was after Plea Pleaded, and yet Mainprise would not be granted, but yet since this time the Law hath been put in use to the contrary M. 40 Ed. 3, 28. and P. 43 Ed. 3. 16. and the reason seems to be one 3 Ed. 1. (*W. 1.*) cap. 15. §. 1 N. 4.

Exposition. II. *Stamf.* fol. 71. *ibid.* which Statute *viz.* 3 Ed. 1. (*W. 1.*) cap. 15. §. 1. N. 4. is taken o favourably as to the Accessary that they let to Bail those who are Indicted of Abetment, Consent, and Procurement, and yet such manner of Accessaries are not expresly contained in the said Statute, as it's noted also in the Register 270. And so note that the Accessary as well in case of the Death of a Man, as in case of any other Felony, is to be let to Mainprise.

Coron. III. *Lamb.* 2. cap. 7. pag. 281. But for as much as it is evident by many Books (*viz.* 7 *H.* 4. 27. 11 *H.* 4. 13. and 10 *Ed.* 4. 14. and 21 *Ed.* 4. 71. and *Coron.* 309. 314. 350. 433. &c. that the Law is otherwise taken, *viz.* then *Stamf.* 7.) at this day touching them that to be of Society with the Principal, and be also present with him that doth perpetrate the offence, &c. eased of that labour, *Poult. de pace* 144. §. 23.

Statutes. IV. *Lamb.* 2. cap. 7. pag. 282. and albeit the first of these Questions, (*viz.* Whether there may be Accessaries to such Felonies as were not at the Common-Law, but were afterwards created Felonies by Statutes, unless the same

same Statutes do especially appoint it,) might have received the more easie resolution, for that all such as do Evil, or procure any Felony to be done, are the very cause thereof, so as without them it is to be thought that it should not have been committed; yet they of the Parliament House have in the making of sundry new Felonies, thought it convenient for the avoiding of all doubt to comprehend in plain Speech the Accessaries both before and after, So 1. Mar. 1. St. 2. cap. 12. §. 22. N. 1 of Rebellious Assemblies, and 1. and 2. Ph. and Mar. 4. §. 8. N. 2. of Egyptians &c. Poul. de pace 144. §. 25. 26. 8. 14. Eliz. 5 §. 7 N. 1.

V. Lamb. 2 cap. 7. pag. 282. *ibid.* and this caused Mr. Stamford. 44. Intendment. to write, that there could be no Accessaries after the Offence to the Felony 8. H. 6. 12. of Imbezeling Records, nor to 33. H. 8. 8. of Conjururation, because those two Statutes have no expresse mention but only of the Accessaries before the offence committed, and that there could be no Accessaries at all 3 H. 7. 2. because thereby the procurers, Abbettors, and Relievers, are adjudged to be Principal Felons, Poul. de pace 144. §. 24.

VI. Stamf. 1. cap. 2. fol. 3. the words of the Statute 25. Ed. 3. St. 5. Exposition. cap. 2. §. 1. N. 5. *And if a man Counterfeit the Grand Seal, or the Privy Seal of the King, or his Money.* In these Words there is no mention made of any Consenters or Aiders to this Counterfeiting, and yet the Consenters and Aiders are taken to be within the perview of the said Statute, as appears M. 19. H. 6. 47. Treason Br. 9. and 3. H. 7. 10. in Treason Br. 19. makes nothing against this, for there wanted the word *proditorie* 1. Inst. 57. Dyer. 296. pal. Poul. de pace 144. §. 22. and 3. Inst. 138.

VII. Stamf. 1. cap. 46. fol. 44. it seemeth that if an offence be made Intendment. Felony by a Statute, though the said Statute does not speak expressly of Abbettors, Procurers, Counsellors, and Relievers, yet they shall be taken to be within the Compass of the Statute, as appears fol. 3. &c. the same Law in case of Rape; where one doth the Act, and the other assists him and aid him, he by this is a Ravisher as well as his companion that did the Rape in fact, as appears, M. 11. H. 4. 13. Coron. 228. and yet the words of the Statute 13 Ed. 1. (W. 2.) cap. 34. are, if a Man Ravisheth a Woman, &c. but these were causers of the Rape, without whom perhaps the offence had not been done, and the principal Actors being present when the Act was done; and therefore as Guilty as the Principal, &c.

VIII. Stamf. 42, *ibid.* Some will argue in this case that though Accessaries Exposition. before the offence perpetrated shall be taken to be within the compass of a Statute that makes a Felony, though they be not expressed for the reason afore said, yet this doth not prove that Accessaries after the offence committed, shall be within the compass of such a Statute if they be not expressed; But however that be, they of the Parliament in the time of H. 8. provided for it, as appears well by 31. H. 8. 12. §. 6. N. 1. of Hunting, and other Statutes that are not now in force, as by 1 Mar. 1. St. 2. cap. 12. §. 22. N. 1. against Unlawful and Rebellious Assemblies, and the Statute 1. and 2 Ph. and Mar. 4. §. 8. N. 2. against Egyptians, yet also in force, which Act provides as well for the Accessary before the Fact, as after.

IX. Stamf. 44. *ibid.* Quære, If this Statute (*viz.* 8 H. 6. 12. §. 3 N. 1. of Intendment. Imbezeling Armour) extends to any Accessaries after the Principal Fact committed, because it hath expressed no other Accessaries, but before the Principal Fact committed? and it seemeth not, because a Man cannot say that the Makers of the said Statute intended them, no more then the Makers of the Statute 33 H. 8. 8. §. 1 N. 7. against Conjurations intended to touch any other Accessaries, but those before the Principal Fact committed, which Statute is not in force at this day, 3. Inst. 73.

X. *Stamf.* 44. Note, that it seemeth that there is not any Accessary in the offence, on this Statute (*viz.* 3 H. 7. 2. §. 1. N. 3. ) because that the words are (*be Reputed and Adjudged Principal Felons,* ) which makes them as it seemeth, all Principals.

Rape

XI. *Lamb.* 2. cap. 7. pag. 283. for a more certain Rule in all these Points I will use this one Case, 3. and 4. Ph. and Mar. in B. R.

As Judge *Dalison* reporteth it: Two Men were Indicted upon 3. H. 7. 2. for the taking a Woman against her Will Feloniously, and two other Men were then also Indicted, for that knowing the Felony, they did Relieve the Offendors, and Comfort, &c. In this case, albeit the Statute doth make as well the Procurers and Abettors of the Felony, as also the Relievers of the Woman, knowing the matter, to be Principal Felons, and thereby these two persons, which Relieved the Felons only, (and not the Woman, ) can be deemed no Principals; yet all the Judges of that Court were then of opinion that these Relievers be Accessary to this Felony, by the Statute 3 H. 7. 2. §. 1. N. 3. no less than if it were to a Felony at the Common-Law; for when a Statute (say they) makes a Felony, it is Felony, and hath Accessary to it, even in the same manner as it had been Felony at the Common-Law, as in a Rape which is declared by 13. Ed. 1. (*W. 2.* ) cap. 34. If a Man Ravish, &c. yet if another knowing of the Fact, shall relieve the Ravisher, he shall be an Accessary no less then if it were to a Felony that had been by the Common-Law, 3. Inst. 61. vouch accordingly.

Intendment.

XII. 3 Inst. 61. 62. by this Act (*viz.* 3 H. 7. 2. §. 1. N. 3. ) not only the takers, but the Procurers, Abettors, of the Felony, and Receivers of the said Woman, willingly knowing the same, be all adjudged as Principal Felons; the like whereof we find not in any other Statute that we Remember, but by a Construction of the Common-Law, they that receive the mis-doers, and not the Woman, are Accessaries; for this Act maketh the Receivers of the Woman, &c. Principals, *Poult. de pace* 144. §. 22. and 145. §. 27.

Armor.

XIII. 3 Inst. 72. 73. this Act (*viz.* ) 8 H. 6. 12. §. 3. N. 1. of Imbezeling Armour expressly extendeth to Accessaries before, and leaveth Accessaries after to the Construction of Law, yet may there be Accessaries after the Fact; for whensoever an Offence is made a Felony by Act of Parliament, there shall be Accessaries to it, both before and after, as if it had been a Felony by the Common-Law; And therefore tho this Act expresseth Accessaries before, yet it taketh not away Accessaries after, but leaveth them to the Law contrary to the opinion of the Justice, *Stamf.* 44. *supra* *Poult. de pace* 142. §. 22. *Hales Pleas of the Crown. tit. Accessary.*

Treason.

XIV. *Stamf.* 113. But yet it seemeth that the Accessaries to Petit Treason, shall have Sanctuary. (*viz.* ) notwithstanding the General words of 28 H. 8. 7. §. 20. N. 1.)

Admiral.

XV. *Stamf.* 113. It seemeth also that the Accessaries in these cases (*viz.* ) 27 H. 8. 4. §. 3. N. 1. and 28 H. 8. 15. §. 3. N. 1.) of Piracy shall not be Excluded of their privilege of Sanctuary because, they are not expressly in the letter of the said Statutes.

Money.

XVI. *Mich.* 11 and 12 *Eliz.* *Dyer* 296. Pl. 21 Memorandum, that *John Conyers* Gent. was Indicted of the Traterous Reception and Comforting, of one *John Fayrfax* Gent. knowing him the said *John F.* falsely and Trayterously to have Made and Counterfeited divers pieces of Money, of false Mettle to the likeness of Good and Lawful Money of England (called Shillings, ) and upon his Arraignment, he was found Guilty, and the Justice, did not proceed to Judgement of Treason upon this Indictment, because it was only Misprision of Treason, & sic videbatur Postea etiam diversis aliis, and at length he was pardoned, 3. Inst. 138.

XVII.



XVII. 3 Inst. 138. cap 64. on *Dyer* 296. *A.* doth Counterfeit the Kings Coyn, viz. Shillings, and *C.* knowing the same, doth receive *A.* and Comfort and Aid him, this Counterfeiting is High-Treason by the Common-Law in *A.* and yet it hath been holden, that in this case *C.* hath not committed Treason, (*Stamf.* 3.) for then in Judgement of Law he must be a Counterfeiter of the Kings Coyn within 25 Ed. 3. St. 5. cap. 2. §. 1. N. 5. which he is not; and therefore (say they,) this is *Casus Ommissus*; but all agree, that procurers of such Treason to be done before the Fact done, (if after the Fact be done accordingly in Case of Treason) are Principals, for that they are *Participes Criminis* in the very Act of Counterfeiting; but saving reformation, we hold, that if any Man commiteth High-Treason and thereby becometh a Traytor: If any other Man knowing him to be a Traytor, doth Receive, Comfort, and Ayd him, he is Guilty of Treason; for that there be no Accessaries in High-Treason, and so it was resolved by the Justices Pasch. 4 Jac. In the case of *Abingdon*, who Received, Comforted, and Ayded *Henry Garret* Superior of the Jesuits, knowing him to be Guilty of the *Powder-Treason*, and accordingly *Abingdon* was Indicted and Attainted of High-Treason. See 1 Ed. 6. 12. §.

And whereas it is said *Dyer* 296. that the said Offence in *Conyers* was Misprision of Treason. That cannot be because there was a consent, and not a concealment only: otherwise High-Treason being the highest Offence, should have more favour then Felony, for the Receiver and Comforter in Case of Felony is punished by death, and so is not he that committed Misprision of Treason; And lastly, this is no new Treason but a partaking and a maintaining of the old, *Poult. de pace* 141. §. 1.

XVIII. *Dalt.* cap. 108. in High-Treason there be no Accessaries for all Treason. the Advisers, Counsellors, Persuaders, and Assistance therein be Principals, &c. they being the very cause of the Fact may well seem as Culpable, or more then the principal Actors, for *plus peccat Author quam Actor*, so 3. Gen. of the *Serpent*, and 2. *Sam.* 12. 9. of *David* &c. But yet it seemeth that this is to be understood of Accessaries before the Treason for Receiving, Aiding, and Comforting a Traytor after the Offence, knowing the same was holden to be but Misprison of Treason, *Dyer* 296. and yet by some other Authorities, the Receiving of Traytors after the Offence, knowing thereof, is holden to be Treason, 3 H. 7 10. Treason *Br.* 19. per *Hussey Ch. J.* so *Boulst. J. P.* cap. 24. pag. 103.

XIX. *Terms del ley verbo* Accessary, that Accessary by the Statute is such a Statutes. one that Abetteth, Counselleth, or Relieveth any Man which commiteth, or hath committed any Offence made Felony by Statute; for although the Statute doth not make mention of Accessaries, Abettors, &c. yet they are included by the interpretation of the said Statute, *Stamf.* 42. *Lamb.* 282. and 3. Inst. 61. 62.

XX. *Crompt. J. P.* fol. 42. §. 13. see *Lamb.* 283. that Justice *Dalison* said, that Statutes. 3. and 4. Ph. and Mar. it was held by the Court in *B. R.* that an Accessary shall be to an Offence of Felony given by Statute, though it be not so limitted by the said Statute, as an Accessory shall be to a Felony by the Common-Law, and *Stamf.* 44. accords, and 19 H. 8. 47. accords in case of Counterfeiting of the Kings Seal or Money, &c. And so it shall be of Tryal by Peers, where a new Statute makes Treason &c.

XXI. *Dalt. J. P.* cap. 108. pag. 284. Note also when a Statute maketh an Intendment. Act to be Treason or Felony, which was not so before by the Common-Law, and yet the Statute saith not, that the Abettors, Aiders, Comforters, or Consenters to the doing thereof, shall be also Felons yet it, shall be Felony in them, for that they were the causes of the doing or committing of the Offence, which it may be otherwise, had not been committed, *Lamb.* 279. 280. 19 H. 6. 47. and 11 H. 4. 13. *Coron.* 228. and so

so it seemeth of Recievers, &c. after the Offence, *Lamb.* 281. For where a Statute maketh any thing Felony, it is made as Felony to all Intents and purposes.

Exposition. XXII. *Poult. de pace* 145. §. 28. Note, that in all the cases aforesaid on (*viz.* 8. H. 6. 12. and 1. Mar. 1. St. 2. cap. 12. and 1. Jac. 12. of Conjurat[i]on and 3. H. 7. 2.) touching Offences made Felony by Statute, the Aiders, Abettors, and Councillors, be made Principals by the Special words of the same Statute, and not Accessories to the same Felonies.

Fresh Suit. XXIII. *Dalt.* 288. cap. 209. If the party Robbed; or if he that shall have any Goods Stolen from him after complaint made by him of the Felony to the Justice of Peace, or to the Constable, shall then take his Goods again, or otherwise be compounded withal, and will not prosecute this matter against the Felon any further, but will suffer him to escape after he was once so charged, and perhaps Arrested for the same; *Quere*, If this makes not him an Accessary.

Agreement. XXIV. *Crompt.* 41. §. 7. A man sayeth to me that he will Kill another; and I say I am content; *Quere*, If this makes me Accessary if he Kill him, for it is a sufferance in me and no Commandment, &c. 21 H. 7. 35. *Distor. Br.* 15. 39. 38. Ed. 3. 18. *Tresp. Br.* 113.

Indictment. XXV. *Lamb.* 4. cap. 5. 492. Neither is it good in an Indictment against an Accessary, to say that he received the Goods without telling that he received the Felon, 27. *Aff.* 69. 9 H. 8. 41. and 25 Ed. 3. 39. nor to say that he (*scilicet Felonem Domini Regis apud Arcepit*, ) without shewing what Felony he committed, 7 H. 8. 65. nor without telling that he knowing it, received him Feloniously, 7 A. 8. 42. unless he receives one that is Attainted of Felony in the same County, for then he must at his Peril take knowledge of the Attainder, 8 Ed. 4. 3. but *Quere Crompt.* 108. §. 1. 2. 3.

Joynder. XXVI. *Lamb. pred.* 10. pl. 27. An Indictment against the Stealer of a Horse and his Accessary after.

Kanc. ff. *Juratores pro Dom. Rege super Sacramentum suum presentant quod A. B. nuper de C. in dicto Com. Gelder* XXIX. die Aug. Anno dicti Dom. Nostri Regis, &c. quoddam Stabulum in Domo mansionali Cujusdam J. S. infra Parochiam de C. predict. in Com. predict. existens fregit & intravit & unum Equum spadonem Anglice vocat a Guelding Coloris Albi pretii XXX s. de bonis & Catalis ipsius I. ibidem existentes inventos Felonice cepit & abduxit contra pacem dicti Dom. Regis Coronam & Dignitatem suas.

Ed quod K. H. nuper de C. predicta in Com. predicto Horse-Courser sciens prefatum A. B. Feloni preamdictam apud C. predict. modo & firma predictis fecisse & perpetrasse eundem tamen A. B. apud C. in Com. predicto XXX. die dict. mensis Aug. Anno supradict. Felonice recepit & hospitio accepit post Feloniam predictam sic per ipsum A. B. ut preserter facta & Commission. contra pacem dicti Dom. Regi nostri nunc & contra Coronam & Dignitatem West. suas Sy. mt. 2. part. 130. Sect. 204.

Joynder. XXVII. *Lamb. Prisdents.* 10. pl. 29. An Indictment against the Stealer of Cow and his Accessary before.

Kanc. ff. *Juratores pro Dom. Rege, &c. presentant quod A. B. de C. in dicto com. Shoemaker primo die July Anno Regni Dom. nostri &c. Regis &c. in quodam loco infra parochiam de C. predict. si com. predict. vocat the Cow Pasture vi & Armis Clausum Cujusdam I. S. de D. in com. predict. yeoman fregit & entravit & quandam Vaccam coloris Nigri pretii XI. s. bonis & Catallis predicti I. S. tunc ibidem existent invent. Felonice cepit furatus est & abduxit contra pacem dicti Dom. Regis nunc Coronam & Dignitatem suas.*

Et quod quidem G. H. de C. predict. in dicto com. Butcher ante Feloniam predictam scilicet eodem primo die July Anno supra dicto eundem R. apud C. predict. in com. predicto ad Feloniam predict. faciendum & perpetrandum malitiose

riose & Felonice excitavit persuasit & procuravit contra pacem dicti Dom. Regis Coronam & Dignitatem suam West. Symt. 2 part 130. §. 206.

XXVIII. Crompt J. P. 245. pl. 41. And Indictment pro Incendio Domus, Coron. with an Accessary before and after.

Inquiratur pro Dom. Rege si W. S. nuper de O. in com. predicti Smyth. XII. Staff. f. die Octob. Anno Regni Regis &c. circa horam XII. in nocte Ejusdem diei vi & Armis viz. Gladiis &c. apud S. in com. predicti ad domum mansionalem ejusdem I. C. simul cum aliis venebat ea intentione ad spoliandum dicti I. C. de bonis & Catallis suis in eadem domo tunc existentes si idem in nuper tecturam ejusdem domus vulgariter nuncupat the Covering of the House ad tunc & ibidem cum una scula ascendeat & seandebat ea intentione pertecturam predicti ad intrandum & ingrediendum in domum illam.

Ac si dicti W. simul cum aliis predicti I. G. R. C. M. P. & Eliz. G. in eadem domo tunc & ibidem inferebant ita quod de vitis tunc desperabatur ac si dicti. Willielmum simul cum aliis predictis ad tunc & ibidem ex malicia tua precogitata eandem cum igne tunc & ibidem Felonice comburebant predicti I. G. R. C. M. P. & Eliz. G. in eadem domo existentes contra pacem &c.

Ac si W. R. de B. in com. predicti yeoman & W. S. de S. in com predicti generos. ante feloniam predicti per ipsum I. C. & alium factum & perpetratem predicti W. S. predicti. XII. die Octob. Anno supradicti apud B. predicti in com. predicti ad Feloniam predicti sic in fronta predicti faciendum & appetrandum Felonice exitaverunt procuraverunt & abettaverunt contra pacem &c.

Ac si predicti W. R. & W. S. scientes predictum W. S. simul cum aliis supradicti felonium pred. in firma pred. sic fecisse & perpetrasse eundem W. S. postea scilicet XIII. die or to be Anno predicti apud B. predim in com. predicti Felonice receperunt confortaverunt hospitaverunt & concealaverunt contra pacem dicti Dom. Regis &c.

XXIV. West. Sym. 2 part 145. §. 285. An Indictment for Receiving, Coron. Aiding, and Comforting of a Felon, knowing him to have done a Felony.

Inquiratur pro Dom. Rege &c. si R. S. sciens prefatum I. R. Felon. pred. Staff. f. in forma pred. fecisse & perpetrasse eundem I. X. die &c. Anno &c. in committat pred. Felonice recepit auxiliatus fuit & confortavit contra pacem &c.

XXX. West. Sym. 2 part 147. §. 299. An Indictment for Stealing of 4 Joynder. Oxen and of the Accessories before and after.

Inquiratur pro Dom. Rege &c. si A. B. de F. in com. N. pred. Teoman 4. Norff. f. die. &c. Anno Regni &c. VI. bonis pretiis &c. de bonis & Catallis I. S. de W. in com. pred. invent. Felonice fuerat. cepit & abancit.

Et si W. de B. de N. in com. pred. Teoman 7. die &c. Anno Regni &c. apud N. in com. pred. fuerant consentientes & abettant. pred. A. B. ad feloniam predicti in forma predicti. faciend contra pacem &c.

Et si H. W. & P. R. nuper de &c. scientes predicti A. B. Feloniam predicti in forma pred. fecisse apud T. predicti & alibi in com. predicti predicti X die &c. eundem A. B. Felonice receptaverunt contra pacem, &c.

XXXI. West. Symp. 2. part 157. §. 353. An Indictment for procuring Coron. Burglary &c.

Juratores pro Dom. Rege super sacramentum suum presentant quod I. W. nuper de L. clericus alias dictus, &c. X die May Anno Regni &c. apud parochiam de M. magna infra sanctuarum Ibidem in Warda de A. London maliciose & Felonice abettavit & procuravit P. W. de &c. ad Felonice frangendum & intrandum in domum W. prioris hospitalis sancti Johannis Jerusalem in Anglia apud St. James Clarkenwel in predicti com. M. infra predicti hospitalem predicti Prioris ibidem & ibidem Felonice furatum capiend & asportandum unum Cyphum Argenteum & de auratum vocat a Goblet predicti prioris ad valent &c. & unam olam argent percel de aurat ejusdem prioris ad valentiam &c. & alia bona predicta prioris ibidem existent quam quidem abettationis & procurationis pretexto predicti R. X die, &c. Anno supradicti &c. vi & Armis &c.

Doz



*Domum & mansionem dicti prioris apud &c: intra hospitium predict. &c: cura horam secundam in Turrora & ante meridiem ejusdem die Burglariter & Felonice fregit & predict. cyphum de Argent de Aureat vocat a Goblet ad valentiam C: S: & predictam ollam Argent percel de Aureat ad valent X li: ac alia bona ejusdem prioris viz. duo salisera de Argent & de Aureat ad valentiam X l: S: &c. de bonis & catallis dicti prioris ad tunc & ibidem invent Felonice furat fuit cepit & aspertavit contra pacem &c.*

*Action see Information.*

### Account.

*Church-Wardens, Collectors, Surveyors, Overseers, Ways, Poor, Taxes.*

Poor.

I. **B**Y 5 Eliz. 3. §. 6. N. 1. the Gatherers or Collectors for the Poor, shall make their just account quarterly to the Mayor or chief Officers of the said Cities, Burroughs and Towns Corporate, and in every Parish of the said County, to the Parson, Vicar, or Curat, and Church-Wardens of the Parish, at which account such of the Parish as will may be present.

Officers.

II. 5 Eliz. 3. §. 6. N. 3. and if the said Collectors or any of them, do refuse to make their said account, within eight days after request made to them for the same; then the Bishop of the Diocess, or the Ordinary of the place, Chancellors or their Commissaries, together with a Justice of Peace and the Church-Wardens of the said Parish or one of them, shall have Authority by virtue of this Act upon complaint to them made; to commit the said person or persons so refusing to Ward, there to remain without Bail or Mainprise, until he or they so refusing shall make their said accounts before such persons as the said Bishops, Ordinary, Chancellors, or Commissaries and Justices of the Peace shall appoint; and so make immediat payment of the Sums, wherewith by determination of the said account they shall be charged.

Days.

III. 14. Eliz. 5. §. 18. N. 1. the Collectors for the Poor, shall make their just account half-yearly of their Collection and Gathering to two Justices of the Peace dwelling next to the abiding place, not being within any City &c.

Contempr.

IV. Eliz. 5: §: 18. N: 4: and if any Collector for the Poor refuse or Neglect, to make his account by the space of 14 days after request to him therefore made, then the said two Justices or one of them, to commit the said Collector to the next Goal for the said County, there to remain without Bail or Mainprise till he have made his said account, and immediat payment of all such surplusage as he hath received.

Ordinary.

V. 14 Eliz. 5. §. 30. N: 4. and that it shall be lawful to the Bishop of the Diocess for the time being, where such Hospital (viz. that hath no local visitor) is or shall be, or his Chancellor upon complaint or other intelligence of just cause, to take account how the Rents, Revenues and Profits, of any such Hospital hath been bestowed and spent to call before him or them at the said Hospital to account all such persons as have had the Collection or Reciept of any the said Rents, Issues, Revenues, Profits, *Crompt. pl. J. P. 200.*

Process.

VI. 14 Eliz: 5 §. 30 N. 5. and If any so called shall refuse to account or entring into account shall refuse forthwith to imploy or answer to the use of the said Hospital, such sum or sums of Mony as upon the same account shall appear to be due by him, that then he shall forfeit and lose such sums of

of Mony as to the said Bishop or Chancellour, and to two Justices of the Peace next inhabiting to the said Hospital shall be thought meet.

VII. By 39 Eliz: 4. §. 13. N: 2, Chancellour may award Commission to any, to call all and every person and their sureties, and every of their Executors or Administrators, to an account for the Poors stock, And to compel them by Attatchment of their Goods or Bodies to appear before them to hear and determine the same. Chancery.

VIII. 43 Eliz: 2. §. 2, N: 2. the Church-Wardens and Overseers of the Poor shall within Four days after the end of their year, and after other Overseers nominated, &c. make and yeild up to two Justices of Peace, one of the *quorum* in or near the Parish, &c. a true and perfect account of all sums of Money by them Received or Rated, and Sessed, and not Received; And also of such Stock as shall be in their hands, or in the hands of any of the Poor to work, and of all other things concerning their said Office. Ch. Ward.

Addition.

*Nosine*, alias *Dictus*.

I. *Amb.* 4. cap. 5. pag. 480. the name and Sirname of the party Indicted must be certainly expressed, and if the Indictment be of an Accellary Felony, the name of the Principal must be set down also; for if the Indictment be *quid A. mandavit Cuidam ignoto Occidere B.* &c. this is vicious, but in Treason Trespas or maigim where all be Principals, it may be *quod procuravit personas ignotas* to do it: *Marrow.* Nosine.

II. *Lamb.* 486. *ibid.* the certainty of the name of the Person to whom the Offence is done, is also in most cases requisite, but yet *quod bona cujusdam ignoti cepit Felonice* or *quendam ignotum Felonice depredavit* its good, because of the Kings advantage of forfeiture thereby, Indictment 12, & *Dyer* 285. *pl.* an Affray and Assault in *quendam ignotum* is good enough being at no mischief, but averrable that the new Indictment by name is for the same Offence and none other. Averment.

III. *Lamb.* 460. *ibid.* Besides the Name and Sirname of the party Indicted, there ought also by the Statute of 1 H. 5. 5. in every presentment wherein Process of Outlary lyeth, to be added, his Estate, Degree, or Mystery, and the County, Town, Hamlet, or place where he is, or was Conversant; and even so ought it to have been at the common-Law, Also as touching names of Dignity made by Creation, as Duke, Marquess, Earl, Viscount, Arch-bishop, Bishop, Knight, or Serjeant at Law, because every of these Titles were accounted parcel of the name. But it was not so for the names of Baron, Bannaret, and Esquires, which are but names of Dignity without Creation, nor for Chancellour, Treasurer, Chamberlain, Chief Coroner, Eschaeter, Bayliff, Dean, Arch-Deacon, Prebend, or Parson, which are Names of Dignitaries by reason of Office only, unless the presentment did charge them in respect of their Office, for then the name of Office also, as Bayliff, or Eschaeter ought to be used in the Indictment. *Crompt.* J. P. 120. §. 23. Lieu.

IV. *Lamb.* 4. cap. 5. pag. 481. but Borough Knight, Esq; Gentleman, Alderman, Widow, Single-woman, Dean, Arch-Deacon, Parson, Doctor, Clark, Parish-Clark, are good Additions of Estates, or Degree, (as I take it) within the meaning of this Statute, 1 H. 5. 5. Nosine.

V. *Lamb.* 481. *ibid.* but Farmer, Servant, Butler, or Chamberlain, are no good Additions, because they be common to Gentlemen and Yeomen, and therefore uncertain, *Crompt.* 104. §. 44. Nosine.

- Trades. VI. *Lamb.* 481. *ibid.* so Chop-Church, Marchant, Grocer, Mercer, Taylor, Broker, Husbandman, Hostler, Labourer, Lighterman, Waterman, Spinster, &c. be good Additions of Mystery, *Crompt.* 109. §. 2.
- Misnomer. VII. *Lamb.* 281. *ibid.* But Citizen is no good Addition, because it is no Mystery, Act, or Degree, *Crompt.* 101. §. 11. neither is Extortioner, Maintainer, Vagabond, Heretick, Dicers, Carders, or such like, any good Addition, because they are every one against the Law.
- Lieu. VIII. *Lamb.* 481. 482. Also by 1 H. 5. 5. the Addition ought to comprehend the County, and the Town, or Hamlet, or place known out of the Town or Hamlet, whereof the party is, or was, so that if there be divers Hamlets in one Town, he may be named either of the Town or Hamlet: But if he be named of a place known, and the place be within a Town, then he must be named of the Town, 35 H. 6. 30.
- Variance. IX. *Lamb.* 482. And if both the Town and the Parish, do bear one Name, he may be named of the one, or of the other of them, but if there be two Towns in one Parish, then he ought to be named of the Town, and not of the Parish, L. 5 Ed. 4. 129. and 22 Ed. 4. 2. and 22 H. 6. 41.
- Alias dictus.* X. *Lamb.* 482. As for an *alias dictus*, which is often put in the Addition, the use thereof is Chiefly in Writs grounded upon Especialties, and to make the Writ and Writing to agree; for as touching Indictments, if the party be not well named, both for his Name, of Baptism, Surname, Mystery, or Degree, and place at the first, then cannot the *alias dictus* make that good which was evil before, *Crompt.* 102 §. 25.
- Trades. XI. *Lamb.* 482. 463. it appeareth 1 Ed. 4. 2. and 2 Ed. 4. 16. that the Addition of the Degree or Mystery, must always be such as the party hath at the very time, but the Addition of the place may be of such where he was at any time before, so that then the Word *Nuper* be used with it.
- Days. XII. *Lamb.* 283. furthermore the Indictments must contain the Day, Year, and Place, in which the Offence was committed, 8 Ed. 4. 8. 2 H. 7. 2. and 25 Ed. 3. 43.
- Information. XIII. *Lamb.* 4. cap. 6. pag. 502. In Informations, 1 H. 5. 5. seemeth upon the bare words to have no place for Informations, be not mentioned in it, and upon that reason the Court (13 H. 7. 21. Addition Br. 67.) did hold it clear, that if Rescues be returned by the Sheriff against certain persons without their Additions, yet in that case they may well be Outlawed upon it.
- Inquest. XIV. By 27 Eliz. 7. §. 2. N. 1. No. Shirriff, Coroner, or other person to whom it shall appertain to make return of any Writ, shall return a Juror dwelling out of any Liberty, without the true Addition of the place of his dwelling or abode, at the time of the said return, or within one year next before the making of any such return, or some other Addition by which the party returned may be known, *Lamb.* 4. cap. 4. pag. 427.
- Franchise. XV. 27 Eliz. 7. §. 2. N. 2. Nor any Juror within any Liberty, with other Addition thep such as shall be delivered to him by the Bailiff of the said Liberty, or his Deputy, certified under his or their Hand.
- Return. XVI. 27 Eliz. 7. §. 2. N. 3. Nor any Bailiff of any Liberty, nor any of his or their Deputy, shall of himself return any Juror, or Deliver to the Sheriff, his Under-Sheriff or other Deputy, the names of any persons to be returned upon any Pannel or Jury, without the true Addition certified under his or their Hands, to the Sheriff of the place of the dwelling, or the abode of every person to be returned at the time of the said return, or within one year next before the said return, or some other Addition, by which the party returned, may be known.
- Issues. XVII. 27 Eliz. 7. §. 2. N. 4. And that no extract of Issues against any Juror returned as aforesaid, shall be delivered out, received, or put in ure, with-



without such Addition as is put in the Original Pannel or Tales, where-  
in such Juror shall be so returned.

XVI. *Crompt. J. P. 101. §. 10.* a Person was Indicted *Mich: 25 Eliz.* in Incumbent.  
*B. R.* by the name of *A. B. Parson of Dale*, and it was Ruled to be a  
void Indictment because he may be Parson of *Dale*, and yet he may abide  
elsewhere *Lamb. 4. cap. 5. pag. 482. Crompt. 110. §. 25.*

XIX. *Crompt. J. P. 102. §. 25.* the Addition and other things according Nofine.  
to the Statute of 1 H. 5. 5. shall be in the premises of the Bill, and not in  
the *alias dictus*, 1 Ed. 4. 1. *Crompt. 109. §. 5. 13. 17. 36 H. 8. 28.*

*Affearment, see Amerciament.*

*Affray.*

*Affault, Trespafs, Battery, Force, Menace, Riot, Threats, Violence,*  
*Striking, Quarrels, Behaviour.*

I. *Lamb. 2. cap. 3. page 125.* Affray signifieth to terifie, or bring Menace.  
fear, which the Law understandeth to be a common wrong; and  
therefore it is ( 3 Inst. 158. ) inquirable, and punishable in the turn of  
the Sheriff, and in a Leet, 4 H. 6. 10. & 8 Ed. 4. 5. *Dalt. J. P. 35.* other-  
wise it is of an Assault, as it seemeth by those very Books.

II. *Lamb. 126. Ibidem.* Yet may an Affray be, without word or blow Peace.  
given; as if a man shall shew himself furnished with Armour or Weapon  
which is not usually worn, it will strike a fear upon others that be not ar-  
med as he is; and therefore both the Statutes of *Northampton (2 Ed. 3. 3.)*  
made against wearing Armour, do speak of it, by the words, *Affray del*  
*paix & in terrorem populi, surety. Br. 12. Bolt. J. P. 249. §. 14.*

III. *Lamb. 126.* But an Assault, &c. cannot be performed without the Trespafs.  
offer of some hurtful blow, or at the least of some fearful Speech.

IV. *Lamb. 127.* Menacing, Affrays, Assaults, and injurious and violent Menace.  
Handlings and Mis-intreatings of the person, Batteries and malicious  
Strikings, &c. be breaches of the Peace, and do draw after them  
the forfeiture of a Recognizance knowledged for the keeping of the Peace.

*Lamb. 111.*

V. *Lamb. 2. cap. 3. page 130.* A Justice of Peace is undoubtedly for Justices.  
this purpose endowed with no less Power than every private man Master,  
Kindred, School-master, or any Constable hath, as it is plain by 14 H. 7. 8.  
& 9 Ed. 4. 3.

VI. *Lamb. 130, 131.* The Law looketh that every private person who Aid.  
shall happen to be present at an Affray, Assault, or Battery, ( for now I  
will, with other men, confound their names ) should do his part to part  
them that fight together; and it doth to that end enable him also with  
some portion of Authority.

VII. *Lamb. 131.* If two be fighting, every stander-by may lawfully, and Action sup. Cas.  
shall do well to put them in sunder; and if he take hurt thereby, he shall  
have his remedy by action against him that did the hurt: but yet he being  
but a private man, may do no hurt, if they resist, for they also shall then  
have action against him, wherein his Case differeth from the Case of an  
Officer, *Lamb. 133. Dalt. 33. cap. 1.*

VIII. *Lamb. 131. Ibid.* If an Affray be in the high street, and one Officer:  
cometh towards it with Harnes or Weapon, to joyn with the one, or other  
party, every one that seeth it may stay him till the Affray be ended. *Dalt.*  
*33. cap. 8. Crompt. 146.*

- Imprisonment IX. *Lamb.* 131. *Ibid.* Any man also may stay the Affrayers until the storm of their heat be calmed, and then may he deliver them over to the Constable to Imprison them till they find surety for the Peace, but he himself may not commit them to Prison, unless the one of them be in peril of death by some hurt, for then may any man carry the other to the Gaol, till it be known whether he so hurt will live or die, as appeareth by 3 *H.* 7. 1. §. 1. N. 7. *Dalt.* 33. cap. 8. *Infra* 16.
- Arrest. X. *Crompt.* J. P. 147. *Dicitur* 38 *H.* 8. Faux Imprisonment *Br.* 6. 41. That a man cannot arrest him that made an Affray, after the Affray is past, without a Warrant contrary, before the Affray, and in time of the Affray.
- Fresh Suit. XI. *Lamb.* 131. And if he which did the harm in Affray do fly into another mans House, yet may any man that followeth him, upon Hue and Cry made, break open the House, and enter, and take him, 7 *Ed.* 3. *Barre* 291. 5. *Co.* 95. *Crompt.* 146
- Officer. XII. *Lamb.* 2. cap. 3. page 132. Now that it is not only lawful, but commanded also, that the slander-by do shew his best endeavour in these Cases, it appeareth in *Coron.* 395. that one which stood by and looked on whilst a man was slain, was Imprisoned till he made Fine, because he did not bestir himself to attach the Murderer.
- Constable. XIII. *Lamb.* 132. *Ibid.* If a Constable, or such other Officer, do see a man endeavouring to make an Affray, he may command him to avoid upon pain of Imprisonment; and if the Affray be great or dangerous, he may make Proclamation, and may command the parties to Prison for a small time, till their heat be passed over, and then he must deliver them, without any Fine taking, *Dalt.* 33. cap. 8. *Crompt.* 146.
- Slander. XIV. *Lamb.* 2. cap. 3. page 132. But if two do use only hot words one against another, the Officer may lay no hands upon them, unless they do also draw Weapon, or do otherwise offer to strike. *Crompt.* 146. per *Marwood.* *Dalt.* 34. cap. 8. *infra.* §. 30. & *Lamb.* 77.
- Officer. XV. *Lamb.* 132, 133. If they once fight together, then may the Officer depart them, and if he hap to be hurt in that doing, he shall have an Action of Trespass for it: But if any of them be hurt by him in the resistance, no Action lieth for them; for the Officer ought to do his best to depart them; Inasmuch as if it be presented at the Sessions of the Peace, That he was present at an Affray, and did not use his endeavour to put them assunder that fought together, he shall be deeply fin'd for it: otherwise it is if he were not present, but were only told of the Affray, per *Marwood.* *Crompt.* 146. *Dalt.* 33. cap. 8.
- Arrest. XVI. *Lamb.* 133. If any of the parties be in danger by reason of a hurt received in the Affray, then ought the Officer to arrest and carry the other to the Gaol until he shall find surety to appear at the Gaol-delivery. 22. *Ass.* 56. 38. *Ed.* 3. 6. Faux Imprisonment. *Br.* 6. *Fitz.* J. P. 72. *Dalt.* 33. cap. 8. see 3 *H.* 7. 1. §. 1. N. 7. *supra* 9.
- Officer. XVII. *Lamb.* 133. If two men be fighting in a House, the door shut, then may the Officer break open the door to see the Peace kept, though neither of them have taken hurt, *Crompt.* 146. b. *Dalt.* 34. cap. 8.
- Justification. XVIII. *Mich* 5 *H.* 7. 6. Pl. 12. A man counted in Trespass, *Br.* 272. That the Defendant such a day and year, with Force and Arms, had assaulted the Plaintiff, and beat him, and imprisoned him by the space of a day, &c. And the Defendant justified the beating, because the Plaintiff made assault on the Defendant the same day, year and place; *de son tout*, *Br.* 18. And as to the Imprisonment, he said he was Constable in the same Vill, and because he made an assault upon him, and broke the Peace, he took and carried him to the Gaol, for preservation of the Peace, and this was held a good Plea by all the Court, *quod nota*, notwithstanding he was the same person on whom the Plaintiff would have broken the Peace, because

because he was Constable, and in preservation of the Peace, and of his own Person, he may arrest him; And the Plaintiff said, *de son tout, &c.* and this was held a good Plea, because no matter of Record was alledged in the Plea, as that a *Capias* came to him as Sheriff to take the Plaintiff, &c. *Lamb. 134. Dalt.*

XIX. 5 H. 7. 6. Faux Imprisonment, *Br. 41.* If a man makes an assault upon the Constable, he may justifie to arrest him that made the assault, and to carry him to Gaol for breach of the Peace, though he himself be party (*viz* the Constable) on whom the assault was made, *quod nota*; and yet *contra* 14 H. 7. 8. Peace *Br. 7.* that the Justices of Peace cannot award a Warrant to arrest a man because he hath broken the Peace; but they may award a Warrant to arrest him for fear that he will break the Peace *in futuro. Kell. 41. pl. Cromp. 147. Dalt. 34. cap. 8.*

XX: *Cromp. 147.* The Constable ought to take surety by obligation of Bail, such as he finds making Affrays. *Fitz. J. P. 157.*

XXI. *Lamb. 134.* If one do make an Affray upon a Justice of Peace, Constable, or such other, he may not only defend himself, but may also apprehend the Offender, and send him to the Gaol till he will find surety, of the Peace. 5 H. 7. 6. *supra. 18.* And the Justice or Constable may, if need be, command assistance of the Kings People for the pacifying of an Affray. 3 H. 7. 10. *Dalt. 35. cap. 8.*

XXII. *Lamb. 133.* And yet when the Constable hath taken an Affrayer, he may not Imprison him in his House, but in the Stocks; and that not above such reasonable time as he may provide to convey him to the Gaol till he find surety for the Peace, 3 H. 4. 9. 22 *Ed. 4. 35.*

XXIII. *Lamb. 134.* If he that maketh an Affray do fly into a House when the Justice of Peace or Constable cometh to arrest him, they may also in fresh Suit break open the doors, and take him, per *Marwood*: or if he fly thence, they may make fresh Suit, and arrest him, though it be in another County, by the opinion of some men, 13 *Ed. 4. 9.* And it should seem by the reason of that Book, that in this Case also they may break open the doors to apprehend him, because the King hath an Interest in the matter, and then a mans House shall be no refuge for him, as it should be in Debt or Trespass, where the Interest is but only to some particular Subject, *Cromp. 146. b. & 112. Dalt. 34. cap. 8. Com. 37. Plat's Case, & 3. Co. 52. Ridgway's Case 10 Co. 31. b.*

XXIV. *Cromp. 146. b.* An Affray was in the Vill where the Sessions were held, which is Corporate, and hath Justices of the Peace within themselves, the Justices of the Peace shall not intermeddle there, see 2, & 3 *Ph. & Mar. 18.* Otherwise it is at the Assizes; for within Cities and Villis they have the Fines and Amerciaments, and commonly pay a Fee Farm for their Liberties and Profits to the King.

XXV. *Cromp. 146. b.* If an Affray be made in one County, and is continued in another County, the Constable of one County cannot pursue him in another County, and take him there, as Constable; and yet any man may pursue him into another County, but not to bring him out of it. But if an Affray be made in a Vill, and he fleeth into a Franchise which is in the same County, the Constable of the first Vill may pursue him, and take him out of the Franchise by fresh Suit, *Dalt. 34. cap. 8.*

XXVI. *Cromp. 172. b.* it was touch'd, If a man makes an Affray, and the Justices of Peace or Constable seeing him so making Affray come to the same Affray, and would arrest him, and he fleeth into another County, the other may freshly pursue him there; but in case of Felony, fresh Suit is not material, by 13 *Ed. 4. 8. b. Pl. 4. per Coke.*

XXVII. *Cromp. 172. b. 173.* If a man be arrest to the Peace, and he flyeth after the arrest into another County, the Officer may follow him upon fresh Suit,



Suit, and there take him, see 2 *Ed.* 4. 6. b. Pl. 15. in Trespass 94. *br.* 296. where a Serjeant of *London* arrested one in *London*, and he drew his Weapon, and fled to *Mile-end*, and the Serjeant followed him, and arrested him there, and well.

Arrest.

XXVIII. *Pasch.* 13. *Ed.* 4. 8. b. Pl. *per Croke*, it was also touch'd, If a man makes an Affray, and the Justices of Peace or Constable seeing him so making Affray, come to the same Affray, and would arrest him, and he flyeth into another County, and the other freshly pursueth him, if he can arrest him in the other County, &c. And some said this is not like a distress driven into anothers hand, which may be there taken, &c. otherwise it is here query, for some conceived all one; and for an Affray fresh Suit is material; but if it were for Felony, it's not material, for he may take him in any County: But it was debated, whether he should carry him to the Gaol where the Felony was done, &c. and it seemeth he should, for he may be best delivered there, &c. (*Brian*) to the contrary, that he must be carried to the Gaol where he was taken, &c. and for his deliverance he may be removed by a Writ, &c.

Constable.

XXIX. *Lamb.* 2. cap. 3. pag. 134, 135. Now if the Constable doth arrest one that hath hurt another, and do voluntarily suffer him to escape, and then he that was hurt dyeth thereof within the year and day, the Constable shall make a great Fine, and that to the value of his Goods in the opinion of some, 11 *H.* 4. 12. and *Stamf.* 35. but yet the Offence shall not have such relation to the time of the stroke, as to make the escape become Felony thereby, 3 *H.* 7. 1. §. 1. N. 7. & Com. 263.

Slander.

XXX. *Dalt.* 35. cap. 8. Every Justice of Peace in his own discretion, and *ex officio*, may bind all such to Peace as in his presence shall strike another, or shall threaten to beat another, or shall contend only in hot words, see §. 14. *supra Lamb.* 77.

Peace.

XXXI. *Lamb.* 77. A Justice may cause a common Barreter, Rioter, one that maketh Affray, or other person to him suspected, to find surety of the Peace, 9 *Ed.* 4. 3. *per Curiar.* And if he see men contending in hot words, and threatening the one to hurt or kill the other, he may of discretion, and ought of duty, (as I think) to command them to find surety of the Peace, and thereby provide for their mutual safety, *Lamb.* 132. *supra Dalt.* 35. cap. 8. *Cromp.* 136.

Bar. & Feme.

XXXII. *Cromp.* 136. b. 137. a. A man correcting his Wife, Servant or Child, reasonably, is no breach of the Peace, &c. *Marrow, Lett.* 7. & 21 *Ed.* 4. 6. 23. A Master may beat another in defence of his Servant, for fear of loss of his Service; and so may he do in defence of his Wife and Children; and so may a Servant in defence of his Master beat another, and no breach of the Peace, &c. *ibid.* see 21 *H.* 7. 41. & 35 *H.* 6. 56. & 9 *Ed.* 4. 51. A man may beat another in defence of his Father or Mother, and no breach of the Peace. *ibid.* A man may beat another in defence of his Goods, and no breach, &c. *ibid.* & 9 *Ed.* 4. Trespass: the Case is, that if a man will take anothers Goods, he may lay his hands on him, and disturb him, and if he will not let them go, he may beat him, rather than suffer him to carry them away, *lib. int.* 553.

Justices.

XXXIII. *West. Sym.* 2. part 98. §. 77. An Indictment for an Affray made at the time of the Affires, &c.

*Inquiratur pro Domino Rege si C. P. & W. C. &c. vi & armis viz. Gladiis, &c. apud C. pred' arrayat' & illicite congregat' tempore assizarum dicti Domini Regis, &c. ad tunc apud C. pred' tent' necnon infra precinct' ejusdem villa R. W. & R. H. Earund' assizarum Justiciar' ac Justiciar' dicti Domini Regis ad Gaolam de J. in eodem Comitatu de prisonariis in eadem existent' deliberand' assignat' curia deliberationem ejusdem Gaole tunc apud C. pred' exist' insuli.*

insult' & affragam invicem fecerunt ad magnam perturbat' curie dicti Dom' Regis ac justiciar' suorum pred' tunc & ibid' exist' ac interrorem & perturbationem diversorum subditorum ejusdem Domini Regis tunc & ibidem exist' & in malum & perniciosum exemplum omnium ligeorum dicti Dom' Regis ac contra pacem dicti Dom' Regis Coronam & Dignitatem suas, &c.

XXXIV. West. Sym. 2. part 98. Sect. 78. An Indictment for Affray and Justices. beating in time of Assizes, &c.

Inquiratur pro Dom' Rege si F. F. &c. 11. die, &c. vi & armis, &c. *In Middlesex f.* Justic' dicti Dom' Regis ad assizas in Com' pred' capiend' necnon ad Gaolam ejusd' Comitatus apud W. in eodem Comitatu deliberand' assignat' ad tunc judicialiter sedent' & exist' in quend' W. C. in pace Dei & dicti Dom' Regis apud W. pred' exist' ex malitia sua precogitata insult' fecit & ipsum W. cum quodam Gladio quem idem F. in manu sua dextra ad tunc & ibidem habuit & tenuit percussit super caput suum dans eidem W. C. diversas plagas per quas ipsum W. in magno periculo vite sue posuit ita quod de vita sua desperabatur in magnum Justic' & Legum hujus Regni Angliæ contempti & perniciosum exemplum aliorum & contra pacem dicti Dom' Regis Coronam & Dignitatem suas &c.

Or thus; ibid. Sect. 79. Inquiratur pro Domino Rege si O. P. &c. 10 die, &c. apud T. pred' in Com' S. pred' tempore assizarum & generalem Gaolam deliberat' ad tunc & ibidem tent' & sedent' ad tunc & ibidem Justiciar' dicti Dom' Regis ad assizas capiend' necnon ad Gaolam dicti Domini Regis castri de C. pred' in Com. pred' deliberand' assignat' vi & armis & ex malitia sua precogitata in & super quendam J. C. de S. in Com' pred' Yeoman in pace dei & dicti Dom' Regis ad tunc & ibid' exist' insult' & affrayam fecit & ipsum J. C. verberavit uneneravit & male tractavit & presatus O. ad tunc & ibidem cum quodam Gladio valoris 3 solid' & 4 denar' quem idem O. in manu sua dextra ad tunc & ibid' habuit & tenuit pred' J. C. ad tunc & ibid' percussit & pupngit dans eidem J. C. ad tunc & ibid' quoddam vulnus sine quandam plagam in latitu dive unius pollicis & profunditate quatuor pollicium ita quod idem J. C. de vita sua maxime periclitabatur in magnam perturbationem tam pred' Justiciar' dicti Dom' Regis ad tunc & ibid' in curia pred' sedent quam totius populi & ligeorum subditorum dicti Dom' Regis de Com' S. pred' ad tunc & ibid' confluent' & attendent' ac in magnum contempti dicti Dom' Regis Coronam & Dignitatem suas, &c. The like at the general Sessions of the Peace, ibid' sect. 184, 185.

Administrators, see Executors.

## Admiral.

Mariners, Ships, Seamen, Captains, Piracy, Poor, Souldiers, Rogues, Navy.

I. 2 Rich. 2. 4. §. 1. N. 3. The King wills and commands all Sheriffs, *Seamen.* Mayors and Bailiffs, within Franchises and without, That at the certification of the said Admirals, or their Lieutenants, by their Letters thereof, (*viz. Of Mariners departing the King's Service, after Wages received*) to be made testifying the said proof (*viz. Before them*) shall incontinent, without tarrying, make another Commandment of the King our Sovereign Lord, to take and attach all Fugitive Mariners by their body, within their Bailiwick, within Franchise and without, and put them in Prison, there to abide in good and sure keeping, till they have made gree to the King, &c. 18 H. 6. 19.

II. By 18 H. 6. 19. §. 1. N. 2. And that the Justices of Peace shall have power *Justices.* to enquire of Souldiers that depart from Captains beyond Sea, after Wages received, &c. and to hear and determine the same.

III.

Ships.

III. 5 *Eliz.* 5. §. 27. N. 2. That 18 *H.* 6. 19. in all Pains, Forfeitures and other things, did, doth, and hereafter shall extend as well to all and every Mariner and Gunner taking Wages of the King, &c. to all intents and purposes, &c.

War.

IV. *Lamb.* 4. cap. 4. page 422. In charge to Jury at Sessions; If any Souldier (entred a Souldier of Record, and having taken part of the Kings Wages; or any Mariner or Gunner having taken preft Wages to serve the King on the Sea) have not accordingly gone to his Captain (unless he were letted by notorious Sickness, &c.) or have departed from his Captain without his License under his Seal, 18 *H.* 6. 19. & 2, & 3 *Ed.* 6. 2. §. 4. N. 1. & 4, & 5. *Ph. & Mar.* 3. §. 2. N. 1. & 5 *Eliz.* 5. §. 27. N. 2. But consider whether this entring of Record have any use now.

Jurisdiction.

V. 5 *Eliz.* 5. §. 30. N. 1. That all Offences of Transporting Sea-fish, Prices, Purveyans, &c. done upon the main Sea, or Coasts, being no part of the body of any County of this Realm, and without the Precinct, Liberty and Jurisdiction of the *Cinque-Ports*; and out of any Haven or Pier, shall be tryed and determined before the Lord Admiral of *England*, or his Lieutenant, or Deputy, according to 28 *H.* 8. 15. for causes of Piracy.

Justices.

VI. 5. *Eliz.* 5. §. 30. N. 3. And for all Offences of Transporting Sea-fish, Prices, eating Flesh, Purveyans, &c. as shall be done in the Land, or within any Haven or Pier, all Justices of Peace in their Sessions, and Mayors, Sheriffs, and Bailiffs, and other head Officers in Cities and Towns Corporate, in their Sessions, or other Courts, within the limits of their Commissions, shall have full Power and Authority to enquire of the Offenders of this Act, as well by the Oaths of 12 men, as otherwise by Information, and thereupon to hear and determine the same.

War.

VII. 5 *Eliz.* 5. §. 43. N. 1. *Provided, &c. and be it enacted*, That no Fisherman using or haunting the Sea shall be taken by the Queens Commission to serve her Highness as a Mariner on the Sea, but that the said Commission be first brought by her Highness Taker or Takers to two Justices of Peace next inhabiting to the Sea-Coasts, Towns or other places where the said Mariners are so to be taken, to the intent the said Justices may chuse out, and cause to be returned, such sufficient number of able men, as in the said Commission shall be contained to serve her Majesty, &c. *Lamb.* 355. *Dalt.* 86. cap. 34. *Crompt.* 200.

License.

VIII. *West. Sym.* 2. part 128. Sect. 195. An Indictment for breaking of a safe Conduct granted by King *H.* 6. to Merchant-strangers of *Genova*, see 20 *H.* 6. cap. 1. (*Crompt.* J. P. 240. b. Pl. 30.

Effex f.

*Juratores pro Domino Rege super sacramentum suum presentant quod cum illustrissimus Princeps Henricus Rex Angliæ sextus post conquestum per literas suas patentes sub salvo conductu suo concessit licentiam & saluum conductum suum dedit A. B. & D. & aliis alienigenis mercatoribus de Genoua pro eis & quadam Nav' vocat' a Carick & pro bonis rebus & merchandizis suis infra eandem Navem exist' de transitu Portus Southampton in Anglia per mare versus partes Genoua transfretand' & eadem absq; aliquibus Roberiæ fractione impeditioe perturbatione aut captione ipsorum alienigenorum bonorum & merchand' sine mercimoniorum suorum predict' per aliquos ligeos dicti Dom' Regis infra Regnum dicti Regis Angliæ gaudend' sine impeditioe ibid' quidem H. de D. in Com' E. pred' Armig' & alii fractores salvi conductus Dom' Regis de ligeis ipsius Dom' Regis infra Regnum Angliæ exist' ignot' vi & armis viz. Gladiis, &c. & aliis armis tam invasivis que defensibilibus armati saluum conductum pred' minime verentes & spernentes in pred' A. B. & alios alienigenos ad tunc & ibid' insultecerunt & ipsos verberaverunt vulneraverunt & male tractaverunt & ipsos in Nav' pred' tanq; eorum prisonarios ad tunc & ibid' ceperunt & custodierunt & eos in Prisona sub custodia sua Din' viz. per spatium 4 dierum quousq; lidem A. B. & D. & alii alien igine in*



in eadem Navi existent finem & redemptionem pro salvo conductu & deliberatione suis habend' pro sexcentis marcis cum prefat' H. & aliis predict' fecissent detinuerunt contra saluum conductum Dom' Regis predict' & contra form' Stat' in hujusmodi casu promissi ac editi & contra Dignitatem Regiam ac in malum exemplum aliorum, &c.

Agait or Await see Coron.

Agnus Dei see Pope.

## Ale.

Liquors, Wine, Beer, Brewers, Hostler, Victuallers, Inholders, Excise,

I. 9 H. 3. 25. *Magna. Carta* One Measure of Wine, shall be through Our Measures, Realm and one Measure of Ale.

II. *Crompt. J. P.* 94. *Nota*, that *Popham Ch. J.* said that the Measure of Exchequer, Wine and Ale should be all one, and that it had been so agreed by the Justices, viz. according to the Standard of the Exchequer, see *Magna Carta* 26. (25.) and 15. R. 2. 4. see 1 Jac. 9. Alter for Ale *Dalt.* 148. infra. 80.

III. *Crompt.* 94. *b. ibid.* But note, that the Ale Quart is the greater, because Wine, the Froth will amount to a little, and Wine Froths not, and therefore there shall be a nick in the top of a Wooden Can whereby the Measure shall be, to which nick the Beer shall come; and this was told me by Mr. *Wallis Clark* of the Market to Queen *Eliz.* 25 Jac. 1588.

IV. *Lamb.* 3. cap. 2. pag. 349. The authority of some two Justices of Licence, Peace, (the one being) of the *Quorum*, may prohibit and remove Common-Ale-selling, and may also allow the same, taking Bond with surety by Recognizance for good rule to be kept in such Ale-houses, &c. by their discretion; and they may also Commit and Imprison for three days those that keep Common-Ale-selling of their own heads against prohibition, or without allowance thereof, and may after take Recognizance of them with two Sureties that they shall keep none, *Dalt.* cap. 7. pag. 28. & 373. &c. *Crompt.* 198. *b.* 199.

V. 2. *Role* 398. *Anonym. Mich.* 21. Jac. in *B. R.* per *Haughton Justice*, A Indictment: man cannot be Indicted for keeping of an Ale-house without Licence, for the Statute 5 and 6 Ed. 6. 25. §. 4. N. 1. is, that if any one hold an Ale-house without Licence that he shall be committed, and by this the Justice of P. if they please to take notice of this, may Imprison the party, *Palmer* 388. 6. *Dalt.* cap. 7 pag. 31.

*Lamb.* 346. Seeing that the order of the Conditions of these Bonds is Recognizance partly reserved to discretion, I will for the better bridling of these Nurseries of naughtiness leave with you that form of them which I have known practiced by that Honourable Justice the late Lord *William Cobham* Lord Warden of the five Ports, Lord Chamberlain of the late Queen *Elizabeths* Household, and one of her Privy-Council.

The Condition of this Recognizance is such, whereas the within Bounden A. B. is admitted and allowed by the within named Lord *Cobham* and *J. Lenison Knight*, two of the Queens Majesties Justices of the Peace within the County of Kent within Written, to keep a common Ale-house or Tipling-house, and to use common selling of Ale or Beer, only within the now house of him the said A. B. and not elsewhere, situate in the High-street of the Town of M. within Written, and called the Sign of the Hart: If therefore he the said A. B. during such time as he shall keep such Common Ale-house there, shall not for

fer any unlawful Play, at the Tables, Dice, Cards, Tennis, Bowls, Cloyss, Coits, Loggets, or other unlawful Games to be used in his said House or in his Garden, Orchard, or other his Ground or Place, nor dress, or cause, or suffer to be dressed, any Flesh to be eaten upon any day forbidden by the Laws and Statutes of this Realm of England, nor wittingly and willingly admit or receive into his said House or any part thereof, any person notoriously defamed, or for Incontinence or Drunkeness, or that shall be before hand notified to him the said A. B. by the Constable or Borsholder of M. aforesaid for the time being, or by the Deputy, or either of them, to be an unmeet person to be received into a common Ale-house, nor Keep or Lodge there any strange person above the space of one Day and one Night together, without notice thereof first given to the Constable or Borsholder, or the Deputy, the one of them there, and finally if the said A. B. during all the time that he shall keep common selling of Ale or Beer in the said house, shall and will there use and maintain Good Order and Rule; then this present Recognisance to be void, or else to stand in full force, power, and vertue, &c. Dalt. 373.

Games.

VII. Dalt. cap. 123. pag. 374. In the condition not to suffer Play, &c. adds especially by mens Servants, Apprentices, Common Labourers, or Idle persons, &c. nor shall keep or Lodge there any strange person above the space of one day, and one night together, without notice thereof first given to the Constable or his Deputy there.

Recogn.

VIII. Dalt. cap. 123. pag. 376. Memorandum quod die Anno Regni Dom. Caroli, &c. Coram T. P. & H. D. Armig. Justiciar. dicti Dom. Regis ad pacem in Comitatu predict. conservand. assignat. &c. A. B. de &c. & C. D. de &c. manuceperunt pro W. S. de &c. Victualler viz. uterque manucaptors predict. iub. pena Quinq; libar. & predict. W. S. assumpsit pro se sub pena X. li. quas concesserunt se debere dicto Dom. Regi, &c. sub conditione sequenti.

Recogn.

The condition of this Recognisance is such, that whereas the above ( or within ) Bounden W. S. is admitted and allowed by the said Justices to keep a common Ale-house and Victualling-house, until the first of April, or for the space of one whole year next ensuing the date hereof, and no longer in the house where he now dwelleth, at in the said County of and not elsewhere in the said County; If therefore the said shall not during the time aforesaid, permit or suffer, or have any Playing at Dice, Cards, Tables, Coits, Loggets, Fowls, or any other unlawful Game or Games, in his House Yard, Garden, or Backside. 2. Nor shall suffer to be or remain in his House any person or persons, not being his ordinary Household Servants, upon any Sabbath day, or Holy day, during the time of Divine Service or Sermon; 3. Nor shall suffer any person to Lodge or stay in his house above one Day and one Night, but such whose true Name and Surname he shall deliver to some one of the Constables, or in his absence to some of the Officers of the same Parish the next day following, unless they be such person or persons as he or she very well knoweth, and will answer for his or their forth-coming. 4. Nor suffer any person to remain in his or her house, Tippling or Drinking contrary to the Law. 5. Nor yet to be there Tippling or Drinking after Nine of the Clock in the Night-time. 6. Nor buy or take to Pawn any stolen Goods. 7. Nor willingly harbour in his said House, or in his Barns, Stables or other, where any Rogues, Vagabonds, Sturdy-Beggars, Masterless-Men, or other notorious offenders whatsoever. 8. Nor suffer any person or persons to sell or utter any Beer, or Ale, or other Victual by Deputation, or by colour of his or her Licence. 9. And also if he shall keep the true Assize and Measure in his Pots, Bread, and otherwise in his uttering of his Ale, Beer, and Bread. 10. And the same Beer and Ale to sell by sealed Measure, and according to the Assize and not otherwise. 11. And shall not utter or sell any Strong Beer or Strong Ale, above a penny the Quart, and Small Beer or small Ale above a half penny the Quart, and so after the same Rates.

*Rates. ( 12. ) and also shall not utter, nor willingly suffer to be Uttered Drunke taken, or tippled any Tobacco within his said house, shop, cellar, or other place thereunto belonging, that then, &c.*

IX. *Lamb. 3. cap. 2. pag. 351.* In some Shires the Justices of the Peace do condescend upon certain Articles framed by their discretions, and generally to be propounded to all common Ale-sellers taking the Bond for the performance of the same Articles, a Copy whereof they do usually deliver to every of them, which manner is avowable also, though not so assured as the former, *Lamb. 350. supra Dalt. cap. 123. pag. 377. §. 5.* Justice

X. *Dalt. cap. 123. pag. 375.* For the manner of this condition *supra §. 8.* It is by the Statute 5. and 6. Ed. 6. 25. §. 1. N. 4. partly referred to the discretion of such Justices of Peace as take such Recognizance or Bonds, &c. but Note, that now there be divers Articles of far better direction published touching Ale-houses by Proclamation at New-Market the 19. of January 16 Jac Anno 1618. Recogn.

XI. *Dalt. 123 pag. 375* First, that the Justice of Peace of every County, City, or Town Corporate within this Kingdom and Dominion of Wales, do once every year in the Months of *April* and *May*, Assemble themselves either at a special Sessions, or such other Meeting as they shall appoint for that purpose, respecting the ease and convenience of the people of the Countrey, and there call before them or any of them, whereof one to be of the Quorum, all such persons as do sell Ale or Beer by retail in any place, as well within Liberties as without, within such County, City or Town Corporate, and then and there taking some Certificate and Information from men of trust, who be persons of honest conversation, and who not; and to give Licence to such persons as they in their discretion shall think meet to keep common Ale-houses, or Victualing-houses within the places where such persons dwell. Justice.

XII. *Dalt. 375. ibid: 2.* That in Licencing of the said Victuallers and Ale-house-keepers, the form of the Recognizance and Condition ( §. 8. *supra* ) be used and none other. Licence.

XIII. *Dalt. 376. ibid. 3.* that every Ale-house-keeper and Victualer, so to be Licensed do inter into Recognizance with two able Sureties to be bound in 5. *l.* a piece, and the Principal, 10. *l.* at the least for the performance of the condition of the said Recognizance which shall endure but for one whole year, and then to determine unless, it shall seem fit to the Justices of Peace to renew the same again by taking a new Recognizance of the same condition, whatsoever date the Recognizance shall have, it is to endure but until the said Months of *April* and *May*, or one of them. Bail.

XIV. *Dalt. 377. ibid. 4.* That the Clerks of the Peace, Town-clerks, or their Deputies respectively, be called to attend the Justices of Peace at their meetings or Assemblies, and that they do there take the Recognizance aforesaid, of every Victualler, or Ale-house-keeper Licensed, and do duly enter them amongst the Records of the Sessions of the Peace in their charge whereby his Majestie may be duly answered of the Forfeitures that shall be made of the Parties so bound. Peace.

XV. *Dalt. 377. ibid. 5.* That the Clerks of the Peace, and Town-Clerks aforesaid, or their Deputies, shall within some convenient time after the taking of the said Recognizance, fairly ingross the said Recognizance and Condition in Parchment, which they shall keep as the Original, and send a true copy of the said Recognizance, examined with the said Original to every Ale-house-keeper allowed, whereby he may the better inform himself what he and his Sureties are bound to observe *Lamb. 351. supra.* Officer.

XVI. *Dalt. 377. ibid. 6.* that the Clark of the Peace, and Town Clerks or their Deputies, do write out, and bring with them to every Sessions



of the Peace, or other meeting of the Justices, a Register-book containing the true names, surnames, and places where every Ale-house-keeper, or Victualler that is Licensed doth dwell, and to the end it may appear to the Justices of Peace who be Licensed, and by whom, and who be not, and what other alterations have been from time to time, for the placing of men of honest and good conversation, and displacing of others of ill behaviour.

Fees.

XVII. *Dalt.* 377. *ibid.* 7. That the Clerks of the Peace, and Town-Clerks and their Deputies, may take of every Ale-house-keeper for their Fee, for performing the service aforesaid, at the time of the acknowledgment of the said Recognizance, the Fee of 18 pence, and no more over and above the Fee of 12 pence, allowed for the Justices Clerks, by the Statute 5 and 6 Ed. 6. 25. §. 1. N. 5. which shall be paid to the said Justices Clerks, *Lamb.* 365. 431.

Appearance.

XVIII. *Dalt.* 377. *ibid.* 8 that in case the Ale-house-keeper not knowing of the Justices meeting, or being hindred by sickness, or other such like impediment, shall fail of admittance at the General or Publick Assemblies, and shall notwithstanding be admitted or Licensed by two Justices of the Peace, whereof one to be of the Quorum, the Recognizance with Condition fairly ingrossed in Parchment, in the Form prescribed as aforesaid shall forthwith, or at the next Sessions at the farthest, be returned to the Clark of the Peace, or the Town-Clerks respectively under the Hands of the Justices, under whom §. 29 such Recognizances were taken, together also with the said fee of eighteen pence for the entry, registering, making, and delivering of a copy under his hand to the Ale-house-keeper as aforesaid.

Licence.

XIX. *Dalt.* 378. *ibid.* 9. That none be licensed or allowed to keep an Alehouse, that hath not one convenient Lodging at least in his or their Houses, for the lodging of any Passenger or Traveller; and to have always in her or their Houses good and wholsom small Beer or Ale of two quarts for a peny, for the relief of the Labourer, Traveller, or others that call for the same, *Dalt.* 28. cap. 7.

Justices.

XX. *Dalt.* 378. *ibid.* 10. That the Justices of Peace within their several Precincts do not permit or suffer any unlicensed Alehouse-keeper or Victualler to sell Beer or Ale, but that they proceed against them by all due and lawful means whatsoever; and that they be very careful from time to time to cause the Brewers to be proceeded against in their General Quarter-Sessions, for delivering Beer or Ale to such unlicensed person, according to the Statute.

Recognizance.

XXI. *Dalt.* 378. *ibid.* 11. That the Clerks of the Peace, or Town-Clerks, respectively, do once every year, in *Trinity-Term*, make and bring in a brief of all such Recognizances as shall be taken within every County, City, or Town-Corporate, into the Office of the Patentees appointed by them to that purpose, to the end all the concealments of Recognizances in that behalf may be discovered, and the benefit accruing to His Majesty by such as wilfully break the same may be more duly prosecuted; Of which, that His Highness be not defrauded, order is given to the Patentees, that (with the allowance of the Chief Justice of the *Kings Bench*,) there be appointed Committees in every County for the recovery thereof from time to time.

Justices.

XXII. *Dalt.* 378. *ibid.* 12. That the Justices of Assize in their Circuits, and the Justices of Peace at their General Sessions of the Peace, do from time to time enquire of the due execution of these presents, and of all other abuses, disorders and misdemeanours whatsoever, committed or suffered against the provisions aforesaid, and the true meaning of them.

Fees.

XXIII. *Lamb.* 4. cap. 4. page 431. Articles of Charge in Sessions; If the

the Clerk of any Justice have taken above 12 *d.* for a Recognizance of an Alehouse-keeper or Tippler, 5, & 6 *Ed.* 6. 25. §. 1. N. 5. *supra* §. 17. *Crompt.* 176. §. 10.

XXIV. *Lamb.* 4. cap. 8. p. 516. The Statute of 5, & 6 *Ed.* 6. 25. §. 3. *Process* N. 2. giveth power to the Justices of Peace to enquire of Alehouse-keepers, whether they have done any act to the breach of their Recognizance; And if any matter be presented, then to award *Process* against the Offender, to shew why he should not forfeit his Recognizance: But what this *Process* shall be, I will not determine; for I do not find that in any other case, though it appear that a man hath forfeited his Recognizance, the Justices of Peace can award any *Scir' Fac'* or other *Process* to call him in upon it, but rather to certify the same into higher Courts, that from thence *Process* may issue out to call the party to his Answer, *Crompt.* 196. b. f. 9.

XXV. *Lamb.* 521. And upon Information made unto them, (*viz.* the *Forfeiture* Sessions) that an Alehouse-keeper hath done any act whereby he hath forfeited his Recognizance, they may (as I said) award *Process* against him, to shew why he should not forfeit his Recognizance, by 5, & 6 *Ed.* 6. 25. §. 3. N. 2. but learn if it be meant *Scir' Fac'* or of some other *Process*, *Crompt.* 126. b. & 151. b. *infra* 36.

XXVI. *Lamb.* 4. cap. 15. pag. 563, & 564. And upon Certificate made at the next Quarter Sessions of the Peace by two Justices of the Peace, the one of them being of the *Quorum*, (which *Lamb.* 530. is a Conviction against him that shall obstinately keep an Alehouse, contrary to the Statute, 5, & 6. *Ed.* 6. 25 §. 4. N. 1.) the Justices are to assess the fine of 20 *s.* the which I do purposely rehearse, because they are there warranted to assess the Fine, without *process* first made against the Offender, unlike the common order of assessing Fines, &c. *Certificate.*

XXVII. *Crompt.* 151. b. *Process* shall be awarded (by 5, & 6. *Ed.* 6. 25. §. 3. N. 2.) against him that hath broken his Recognizance taken to keep an Alehouse, to shew why it should not be forfeited, &c. *Suggestion.*

XXVIII. *Dalt.* cap. 7. page 26. And yet note, that wheresoever any Conviction shall be before the Justices of Peace, (by 1 *Jac.* 9. §. 2. N. 6.) by or upon the Oath of any other person than the Delinquent himself, then the Justice of Peace must first send for, or convene the Delinquent before him, to make answer, &c. *infra* §. 43. *Process.*

XXIX. *Lamb.* 565, 566. Where the Conviction is for trespass against the Peace, Riots and such other Contempts and Offences against the Commission or Statutes, for the which no certain Fine is appointed, there the judgment is that the party shall be taken to satisfy the King for his Fine, and thereupon the *Capias pro fine*; and if the party cannot be found, other judicial *process* goeth out, till he be outlawed, unless it be in very few Cases, where by the words of the Statutes themselves, they may proceed to assess the Fine in the absence of the parties, without calling them to it by any *Process*; for so it standeth in the Statute, 5, & 6 *Ed.* 6. 25. §. 5. N. 3. *Fine.*

XXX. *Lamb.* 569, 570. I have heard that even in Cases where the Statutes do appoint a certain forfeiture, as fine of 10 *l.* yet the practice is to mitigate the same by discretion, if so be the party will come in upon the Indictment, and put himself in *gratiam Regis*, with or without confession of the fault; so that the fine shall be small where the fault was great, and the penalty of the Law itself not small. But this manner of doing (in my mind) is so void of sound reason, that I cannot recommend it to the Justices of Peace, but do rather condemn it, as a mockery of the Law; Yea, I find that sundry Statutes (fearing belike some such thing) have specially prevented it, commanding, That Justices of Peace shall assess no less *Forfeiture.*

less fine then is in those Statutes themselves beforehand appointed. Such is 5, & 6 Ed. 6. 25. §. 5 N. 3.

Justices,

XXXI. *Lamb.* 4. cap. 19. page 588. Neither may I well omit that this doing (*viz.* holding the Quarter Sessions in two places of the County, &c.) may breed danger to the Justices themselves, whilst any of them having taken the Recognizance of a Tippler, doth not certifie it until the Sessions happen to be in his own part, and in the mean season, the next Session of the Peace within the Shire chanceth to be holden in the other part, whereof what may follow, the Statute will tell you, 5, & 6 Ed. 6. 25. §. 2. N. 3.

Enquest.

XXXII. *Lamb.* 599. The enquiry whether Alehouse-keepers have forfeited their Recognizances ought (by 5, & 6 Ed. 6. §. 3. N. 1.) to be at the Quarter Sessions.

Certificat

XXXIII. *Lamb.* 620. If the Justices of Peace, having taken Recognizance for an Alehouse, do not certifie it at the next Quarter Sessions of the Peace, they shall lose five Marks, 5, & 6 Ed. 6. 25. §. 2. N. 3. so *Crompt.* 167. a. b.

Games,

XXXIV. *Crompt.* 77. *Item,* (*viz.* enquiry at Sessions shall be) whether any that is allowed to keep a common Alehouse use any unlawful Games, or keep any misrule in the same House, against their Recognizance? *Crompt.* 125.

Hofiler,

XXXV. *Crompt.* 77. a. b. *Nota,* That it hath been agreed that such Inns that have been newly erected, since 5, & 6 Ed. 6. 25. and were not Inns before, ought to have Licenses as Alehouses ought to have; and this was in ure upon an Indictment travers'd, and tryed at the Assizes in *Sussex*, about 16 *Eliz.* as I heard by him that was of Counsel with the party indicted, *Dalt.* cap. 7. page 31. *Hutt.* 99. & 8. Co. 32.

Process,

XXXVI. *Crompt.* 126. b. The Sessions may hear and determine by Information, Presentment or otherwise, by their discretion, the forfeiture of a Recognizance taken of Alehouses, by 5, & 6 Ed. 6. 25. §. 3. N. 2. and they may make process upon this Presentment or Information, *Lamb.* 516, & 521. *supra* 25. *Dalt.* cap. 7. page *Crompt.* 151. b.

Certificate,

XXXVII. *Crompt.* 130. b. The Certificate to the Sessions against him that keeps an Alehouse against the Statute of 5, & 6 Ed. 6. 25. §. 5. N. 2. being made by two Justices of the Peace, (whereof one shall be of the *Quorum*) shall be a Conviction to the Offender, *Lamb.* 530. *Crompt.* 172.

Bail,

XXXVIII. *Crompt.* 154. b. Nor he that is committed for keeping of Alehouses contrary to the Statute, 5, & 6 Ed. 6. 25. §. 4. N. 1. shall not be by Bail r Mainprise, *Crompt.* 172. b.

Recogn.

XXXIX. *Crompt.* 196. §. 6. The Justices of Peace shall take a Recognizance of such that have License to keep Alehouses, to keep good rule, and that they shall not use unlawful Games there, 5, & 6 Ed. 6. 25. §. 1. N. 4.

Process,

XL. *Crompt.* 196. b. §. 9. A Justice of Peace cannot award process upon Recognizances before they be forfeit, as it seemeth by 3 *H.* 7. 1. §. 1. N. 26. but must certifie it into the *Chancery*, *Kings Bench*, or *Exchequer*, if it be not in Case where a Recognizance is forfeit for an Alehouse, by 5 Ed. 6. 25. §. 3. N. 2. whereupon he may award process, as appeared by the said Statute, *Lamb.* 516. *supra*.

Licence.

XLI. *Crompt.* 198. b. two Justices of the Peace, whereof one shall be of the *Quorum*, may license one to keep a common Alehouse, and take Recognizance of him with one surety, to keep good rule, and that he shall not suffer unlawful Games to be used there, as to their discretion shall seem necessary and convenient, 5, & 6 Ed. 6. 25. §. 1. N. 4. *Lamb.* 431. *infra* 82.

Proffe-

XLII. *Dalt.* 26. cap. 7. and not that the voluntary Confession before the



the Justice of Peace, or other person authorized to minister the Oath, of any Offender against any of the Statutes, 1 Jac. 9. & 4 Jac. 5. §. 2. N. 1. shall suffice to convict the person so offending; and after such confession the Oath of the party so confessing shall be taken, and be sufficient proof<sup>e</sup> against any other offending at the same time, 21 Jac. 7.

XLIII. *Dalt.* 26. cap. 7. If any Taverner, keeping also an Inn or victu- <sup>Measures.</sup> alling in his House, or any Inn-keeper, Alehouse-keeper, or Victualler, shall at any time utter or sell, within his House or without, less than one full Ale-quart of the best Beer or Ale for 1 *d.* and of the small two quarts for 1 *d.* (the said Offence being proved before any Justice of the Peace, by one witness upon Oath) then every such Taverner, Inn-keeper, &c. shall forfeit for every such Offence 20 *s.* 1 Jac. 9. §. 3. N. 1. And yet note That wheresoever any Conviction shall be before the Justice of Peace, by or upon the Oath of any other person then the Delinquent himself, then the Justice of Peace must first send for, or convene the Delinquent before him, to make answer, &c. For it may be that he can make sufficient defence or excuse of the Fact; And this was the direction of Sir Nicholas Hyde, Lord Chief Justice of the *Kings Bench*, &c. *Dalt.* 67, 155, & 362.

XLIV. *Dalt.* 27. cap. 7. Every Taverner, keeping also an Inn, or victu- <sup>Hostler</sup> alling in his House, and every Inn-keeper, Alehouse-keeper, and other Victuallers, which shall suffer any person (wheresoever his dwelling-house be,) to tipple in the said house, shall be adjudged within the Statute 1 Jac. 9. §. 2. N. 1. *Dalt.* 361. & 1 *Bulstr.* 109.

XLV. *Dalt.* 27. *ibid.* So that now by these Statutes 5, & 6 Ed. 6. 25. <sup>Hostler.</sup> & 1 Jac. 9. & 4 Jac. 5. & 21 Jac. 7. & 3 Car. 1. cap. 3. (4) No person may come to tipple in any such Tavern, or in any Inne, Alehouse or Victu- alling-house in the same Town where he dwelleth, not dwelling within two miles thereof; And so Sir Francis Harvey Knt. delivered it in his Charge at Cambridge Summer-astizes, Anno 1629.

XLVI. 1 *Bulstr.* 109. Pl. 90. Note by Telverton Justice, That if an Inne <sup>Hostler.</sup> do use the Trade of an Ale-house, this shall be within the Statute of Ale- houses, 5. and 6 Ed. 6. 25. and 1. Jac. 9. and 4. Jac. 5. and 21. Jac. 7. and 3. Car. 1. cap. 3. (4) Croke Justice no person is for to erect an Inne without a Licence from the King. Finner Justice, the Statute for Ale-houses include all, excepting only Booths in Fairs, not to keep an Inne and an Ale-house, but to be suppressed; to keep an Inne only for the relief of Travellers in this, Pasch. 9 Jac. *Anonym.*

*Dalt.* 28. cap. 7. If a common Inn-holder or Ale-house-keeper will not <sup>Hostler.</sup> Lodge a Traveller, any Constable or Justice of Peace may compel them thereto, but how the Officer shall compel him *quere*? It seemeth that all the Officer can do, is either to cause such Ale-house-keeper to be suppressed, or else to present or prefer such offence of an Inn-keeper or Ale-house-keeper, at the Assizes or Sessions of the Peace, that so the Offender may be thereupon indicted, *Dalt.* 17. 378. §. 9 *supra* §. 19. 39 H. 6. 18. *Actio super Casus.* Br. 76. and 5 Ed. 4. 2. *Actio super Casus.* Br. 92. *Dyer* 152. pl. and 9. co. 87.

XLVIII. *Dalt.* 28. cap. 7. And at Lent Assizes Anno 1622. Sir James <sup>indictment.</sup> Lee Lord Chief Justice of the Kings-Bench delivered it in his charge, that an Inn-keeper or Ale-house-keeper, offending herein, might be indicted, Fined, and Imprisoned for the same; or else that the party grieved might have his Action *super Casus* against the Inn-keeper or Ale-house-keeper refusing to Lodge him. 14 H. 22 *b. Kell.* 50. pl.

XLIX. 28. *ibid.* But no Inn-holder, Ale-house-keeper or other Victualler <sup>Payment.</sup> shall be compelled to sell, or let any Traveller or other, to have any Victu- als or Lodging except the party shall first tender and pay ready Money for the same, if it be required, 10 H. 7. 8.

Hostler.

L. 2. *Rol.* 345. 21. *Hill.* or *Pasch.* 21: Jac. per Chamberlain Justice by the putting of a Sign upon his door, and Lodging Guests, he Chargeth himself to the common-wealth; And if I come to an Inne, and require him to give me Lodging, and he refuseth, an Action upon the Case lyeth if he refuseth me, and Mr. Justice *Dodridge*, and Sir *James Lee*, Chief Justice, accorded, &c.

Hostler.

LI. *Dalt.* 30: cap. 7. Common Inns are appointed for Travellers, and Way-fairing men 8. *Co.* 32. And therefore if any Inn-keeper shall suffer persons inhabiting in the same Town, or any other persons contrary to the Statutes 5. and 6 Ed. 6. 25. 1 Jac. 9. and 4. Jac. 5. and 21 Jac. 7. and 3 *Cor.* 1. cap. 3. (4) to be usually Tipling in his House, such an Inn-keeper may be accounted as well an Ale-house-keeper as an Inn-keeper; And such Innkeepers may be bound by Recognizance with Sureties for keeping good Orders as Ale-house-keepers are, and so Judge *Warberton* delivered it in his Charge at *Cambridge Assizes Anno* 1613. and therewith also agreed Sir *James Lee*, and Sir *John Dodridge* in their several Charges at *Cambridge Assizes Anno* 1621. For such Inn-keepers, said they, do pervert the end for which they were appointed first, or else it seemeth they may be committed as Ale-house-keepers without Licence by two Justices of Peace as aforelaid, or they may be Indicted therefore at the Assizes or Sessions of the Peace as it seemeth by the Commissioners of the Peace:

Licence.

LII. *Dalt.* 31. Also it hath been agreed for Law, that such Inns as have been Erected since the Statute 5 and 6 Ed. 6. 25. and were not Inns before, ought to have Licence and that such Inn-keepers are to be bound by Recognizance with sureties for keeping of good Orders as Ale-house-keepers are, (so *Crompt.* 77: *supra* §. 35.) And yet at Lent-Assizes *Anno* 1621 Sir *James Lee* delivered in his Charge, that Inns were Hostleries by the Common-Law, and that every man might erect and keep an Inn or an Hostrey so as they were *probi homines*, and dwelling in meet places; but yet that they were not worthy of any allowance, or Licence under the Kings Great Seal, &c. *Hutt.* 99.

Nuisance.

LIII. *Dalt.* 31. *ibid.* And he delivered further in his said Charge, that if such Inns or Hostleries be used *ad nocumentum populi Dom. Regis*, &c. *scil.* do keep any disorderly house contrary to the Law, or be more in number then are needful, and to the hindrance of other ancient and well governed Inns, that then they may be therof Indicted at the Assizes or Sessions of the Peace, and there may be either fined or suppressed; and Sir *James Lee* told me after at his Lodging in *Trinity Colledge*, that this was the opinion of all the other Judges upon a late Conference had amongst themselves, *Hutt.* 99.

Justices.

LIV. *Dalt.* 31. *ibid.* But such Inns or Hostleries, if they be inconvenient or disordered, in respect either of the Inn-keeper, or of the resort thither, or that the place be unmeet, they are to be suppressed, upon an Indictment found at the Assizes or Sessions; And if they shall suffer Towns-men or other persons usually to tipple there, they are to be punished as Alehouse-keepers without license, for these Inns or Hostleries are to be allowed only for Travellers, *Hutt.* 100.

Hostler.

LV. *Hutt.* 99. Pl. 151. *Memorandum*, That upon a Conference at *Serjeants-Inn in Fleet-street*, 19 June, 22 Jac. it was resolved and agreed by the Lord Chief Justice, Sir *James Lee*, the Lord *Hobbar*, Baron *Bromly*, Baron *Denham*, Justice *Hutton* and Justice *Jones*, That any one may erect an Inn for lodging of Travellers, without license or allowance, as well as any one before, 5, & 6 Ed. 6. 25. might have kept a common Alehouse, &c. *Dalt.* 31. cap. 7.

Licence.

LVI. *Hutt.* 99. *ibid.* By the like reason (*viz.* being not restrained) all men

men may use the Trade of Inn-keeping, unless it could be brought to be within the Statute 5, & 6 Ed. 6. 25. which hath never been taken to be subject to that Statute in point of License.

LVII. *Dalt.* 31. *ibid.* His Majesty (*viz.* King James) in his late Speech <sup>Hostler.</sup> in the *Star-Chamber*, Anno 1616. hath justly excepted against the abundance of Alehouses, and more especially against the infamous and blind Alehouses, as being haunts and receipts for Robbers, Thieves, Rogues, Vagabonds, and other idle and sturdy Fellows; and therefore here I thought good to put the Justices of Peace in mind, that in allowing of Alehouses they have a regard as well to the person as the place; for all persons are not fit to be allowed to be Alehouse-keepers, neither are all places meet for an Alehouse, *infra* 62.

LVIII. *Dalt.* 29, 32. cap. 7. Any two Justices of the Peace (the one being of the *Quorum*) may remove, discharge and put down any Alehouse where they shall think meet, 5, & 6 Ed. 6. 25. and the Alehouse-keeper put down and discharged by any two such Justices of the Peace, cannot be allowed again by any other two or more Justices of the Peace, except it be in open Sessions, as Sir Peter Warborton delivered in his Charge at *Cambridge Assizes*, Anno 1613. <sup>Justices.</sup>

LIX. *Dalt.* 32. *ibid.* An Alehouse-keeper convicted and suppressed for <sup>License.</sup> any of the former Offences, (*viz.* tippling, disorder, &c.) if he shall be licensed or allowed again by two or more Justices of the Peace within three years, such License is void, and he is to be punished as one victualling without License; And so it was delivered by Sir Nicholas Hyde at *Cambridge Assizes*, Anno 3 Car. 1. And so it seemeth if he were convicted, though he were not suppressed, if he be after licensed again within three years after such Conviction, such License is void.

LX. *Dalt.* 31. If the party be in Livery, or a retainer to any man, Bailiff of a Hundred or Liberty, Constable, &c. or be one that is not of good Fame, Conversation or Government, such persons are not fit to be allowed to be Alehouse-keepers; see *Fitz.* N. B. That no Victualler ought to sell Victual so long as he is in Office, &c. *infra* 89. N. 2. 12 Ed. 2. 6. <sup>Ability.</sup>

LXI. *Dalt.* 31, 32. again *dicitur*, That no person using any Trade ought to be allowed to keep an Alehouse, for that were to take away the means, and so the life of another, *tam quere inde*; for that by the Common-Law no man is prohibited to use divers Trades, *Dalt.* 81. 375. <sup>Trades.</sup>

LXII. *Dalt.* 32. Also in the Towns which are no thorow-fare the Justices shall do well to be sparing in allowing of any Alehouse, except it be at the suit of the chief Inhabitants there, and to supply the necessary wants of their Poor, and then Canakers (only to sell to the Poor, and out of their doors) would suffice, if they were enabled by a Law, *Dalt.* 375. <sup>Lieu.</sup>  
*supra* 57.

LXIII. *Dalt.* 32. *ibid.* also the Alehouses to be allowed are meetest to be about the midst of the Town, but not to be in any blind corners where Thieves and Rogues may be harboured; nor in places out of, or distant from the Town, except upon the River-side, and where there is great need, *Dalt.* 375. <sup>Lieu.</sup>  
*supra.*

LXIV. *West. Presid.* 1 part. §. 557. A License to sell Ale.

W. K. and E. D. two Justices of Peace of our Sovereign, &c. in the County of W. to all Bailiffs, Constables, and other the Queens Majesties Officers, Greeting, &c. Know ye, That we the said W. K. and E. D. have licensed, and by these presents do license G. J. of &c. to sell Ale in his House at G. aforesaid, for one whole year next ensuing the date hereof, and have bound him by Recognizance, with Sureties, to the Queens Majesties use; That they shall maintain



good rule, and not to use any unlawful Games or Meetings in his House, but to do according to the Statute provided in that behalf. In witness whereof we have subscribed our Names, and hereunto have put our Seals, the day of &c. in the 34th. year, &c.

Licence.

Berks. ff.

LXV. *West. Presid.* 1 part. §. 558. A Licence to keep an Alehouse. To all Justices of Peace, Mayors, Sheriffs, Bailiffs, and all other the Queens Majesties Officers and Subjects to whom it may appertain, J. W. and R. P. Esqs; two Justices of the Peace of our Sovereign, &c. in the County of B. Greeting. Know ye, That we the said Justices, of good and credible report to us made, as well by men of Worship as by other honest persons, That J. W. of &c. is a man meet to keep a common Alehouse in the House where he now dwelleth, have licensed, allowed and admitted, and by these presents do license, allow and admit the said J. W. to keep a common Alehouse or Tippling-house at M. aforesaid, for one whole year next ensuing the date hereof; so that the said J. W. suffer not any unlawful Games to be used within his said House, nor any evil rule or order to be kept within the same, during his time of the said License; for the using of which License accordingly, we do you to wit, that we have bound the said J. W. and two other sufficient Sureties, in a hundred Shillings apiece by Recognizance to the Queens Majesties use. In witness, &c. *Dalt.* 378. cap. 124. *infra*.

Li cense

LXVI. *Dalt.* 379. *ibid.* or thus. J. C. and M. D. two Justices of the Peace of our Sovereign Lord, &c. To all Bailiffs, Constables, and other the Kings Majesties Officers, Greeting. Know ye, That we the said Justices have licensed, and by these presents do license J. W. of &c. to keep a common Alehouse in L. aforesaid, for one whole year next ensuing the date hereof, and have bound the said J. W. by Recognizance, with Sureties, to the Kings Majesties use, that he shall maintain good rule, and further to do and behave himself therein in all things, according to the Laws and Statutes of this Realm, &c.

Licence.

Cambr. ff.

LXVII. *Dalt.* 379. or thus. We whose Names are hereunto under-written, Justices of Peace of our Sovereign Lord the King, within the County of Cambridge, do license and allow J. W. of L. aforesaid, for and during one whole year next ensuing the date hereof; so as he doth not suffer any unlawful Games to be used in his House, nor any evil rule to be kept there, but do behave himself therein according to the Laws and Statutes of this Realm, in that behalf made and provided. In witness, &c.

Licence.

Derby. ff.

LXVIII. *Dalt.* 379. cap. 124. A License to Brew, and keep an Alehouse: Whereas A. M. of W. in the County of D. Husbandman, hath come before us J. C. Knt. and F. B. Esqs; two of the Kings Majesties Justices of the Peace within the said County, and bound himself in a Recognizance, with sufficient Sureties, to brew, and sell, and keep a common Alehouse, according to the Statute made in the 5th. year of the Reign of our late Sovereign King Ed. VI. Now know ye, us the said J. C. and F. B. to have licensed the said A. M. to brew, to sell, and to keep a common Ale-house, according to the said Statute. Given under our Hands, July 13, in the year of, &c. *West. Presid.* 1 part sect. 554.

Viſuals.

Fish.

LXIX. *Dalt.* 361. cap. 121. A Warrant to convent all Viſuallers, &c. to put in Sureties for observing Fish-days, according to Proclamation.

To the High-Constables of the Hundred of R. and to either of them.

These are in the Kings Majesties Name to command you to warn all the Inn-holders, Taverners, Cooks, Alehouse-keepers, Butchers, and other Viſual-lers whatsoever within your Hundred, personally to appear before us at L. on Thursday

Thursday being the 20th. day of this instant Febr. at the Sign of the Griffin there, and to bring with them Sureties that shall enter into Bond with them to His Majesties use for the due observation of the Orders lately published for the restraint of killing, dressing and eating Flesh in Lent, or upon Fish-days, according to His Majesties Proclamation in that behalf; and that you, or one of you, be then and there with us, to deliver us a Note in writing of the Names, Surnames and Dwelling-places of every of them, and of all other that victual without license within your Hundred, as you will answer the contrary at your perils. Dated at Westminster, 1 Feb. &c.

LXX. Dalt. 360. cap. 121. For Alehouse-keepers to renew their Recognizance. To the Bailiff, &c.

R. H. Knt. one of His Majesties Justices, &c. These are in the Kings Majesties Name to require you, That you direct your Precepts to every Petty-Constable within your Hundred, requiring them that they warn all Alehouse-keepers and Victuallers within your said Hundred to be, and personally to appear before us at L. upon Thursday, &c. then and thither bringing with them their Licenses; And further, That every of them bring with them a Certificate of their fitness and honest behaviour in keeping of their Alehouses and Victualling-houses, under the hands of four at the least of the most substantial honest and discreet Inhabitants of the Parishes where they so keep or dwell; and hereof fail you not, &c.

LXXI. Dalt. 360. cap. 121. A Warrant for the suppressing of an Alehouse. License.

J. C. and E. H. Knts. two of the Kings Majesties Justices of the Peace within the said County of Cambridge, to the Constables of B. and to either of them, Greeting. Whereas we are credibly informed, that R. D. of your Town Victualler is himself a man of evil behaviour, and besides doth suffer evil rule and disorder to be kept in his House, contrary to the Laws and Statutes of this Realm: These are therefore in His Majesties Name to will and command you forthwith to repair to the House of the said R. D. and to charge him to cease from keeping any longer any Alehouse or Tippling-house, and from common selling of Ale or Beer, at his peril: And withal, that you cause his Sign to be pull'd down. Hereof fail you not, as you, and either of you, will answer to the contrary at your peril. Given under our Hands and Seals at B. the      day of      in the year, &c.

LXXII. Dalt. 361. cap. 1. A Warrant to levy money forfeited by Alehouse-haunters. Forfeitures.

R. J. one of the Kings Majesties Justices of the Peace within the said County of C. to the Constables and Church-wardens of the Parish of W. and to every of them, Greeting.

Forasmuch as it hath been duly proved before me (according to the Statute in that behalf provided) that all and every the persons hereunder named, being Inhabitants within your Parish of W. upon the 12th. day of this instant November have been and continued drinking and tippling in the House of G. W. of your said Town (Inn-keeper or Alehouse-keeper, &c.) contrary to the form of the same Statute: These are therefore in his Majesties Name to charge and command you, and every of you, forthwith to levy by distress and sale of the Goods of every the said persons hereunder named, the sum of three Shillings and four pence apiece (which several forfeitures shall be bestowed and employed by you to the use of the Poor of your said Parish;) and that you render to every of the said Offenders the overplus that shall remain upon your sale of their said Goods; And if the said Offenders, or any of them, shall refuse or neglect to pay their said several forfeitures, and that you can find no sufficient distress whereon to levy the same, that then you the Constables, or one of you, shall

shall commit every such Offender or Offenders (refusing or neglecting to pay the said sum or forfeiture, and not having sufficient wherewith to be distrained for the same) to the Stocks, there to remain by the space of four hours; and this shall be your sufficient Warrant herein. Dated, &c.

Forfeiture.

LXXIII. Dalt. 362. cap. 121. *ibid.* The like Warrant may be made to levy the forfeiture of Inn-keepers or Alehouse-keepers, for suffering Townsmen or others to continue drinking in their Houses, or for selling less than one Quart of their best Beer or Ale for 1 d. saving that the distress taken of such Inn-keepers and Alehouse-keepers is not to be sold till after 6 days, and then for default of satisfaction, the same are presently to be appraised and sold; and therefore such Warrant must therein be made accordingly, 1 Jac. 9.

Cambr. f.  
Measures.

LXXIV. Dalt. 362. To levy the forfeiture for not keeping the Assize, &c. R. T. Knt. one of the Kings Majesties Justices, &c. Forasmuch as it hath been duly proved before me (according to the Statute in such Case provided) that G. W. of your said Town Alehouse-keeper hath lately uttered or sold in his House less than one Ale-quart of the best Beer for one penny, contrary to the form of the same Statute: These are therefore in His Majesties Name to charge and command you forthwith to levy by distress of the Goods of the said G. W. the sum of 20s. the same to be bestowed and employed by you to the use of the poor of your Parish; and if the said G. W. within six days next after such distress by you taken shall not pay the said 20s. that then you cause the said distress presently to be prized and sold, and that you bestow 20s. of the Money so made to the use aforesaid, and the overplus that shall remain upon your sale of the said Goods, that you render the same overplus to the said G. W. and this shall be your sufficient Warrant herein. Dated, &c.

Cambr. f.  
Process.

LXXV. A Warrant for one who keepeth an Alehouse without License: Forasmuch as it appears to us, as well by the Certificate of the Constables of your Town, as also by the Information of divers other credible persons, that T. J. of your Town doth keep a common Alehouse and Victualling-house within your said Town without License, contrary to the Law in that behalf: These are therefore in His Majesties Name to will and require you to bring before us, or one of us, or some other of His Majesties Justices of the Peace of this County, the said T. J. there to be dealt and proceeded withal as to Law and Justice in that behalf doth appertain. And hereof, &c.

Cambr. f.  
Measures.

LXXVI. A Warrant for Inn-keeper, &c. Selling under Measure. To the Constable of the Town of, &c. These are to will and require you in His Majesties Name, to bring before me or some other, &c. the body of W. C. and S. D. and either of them being accused for selling less than an Ale-Quart of the best Beer for a penny, &c.

Imprisonment

LXXVII. A Mittimus to send to the Goal an Ale-house-keeper that Victualleth contrary to commandment.

Suff. f.

S. H. W. and R. T. two of his Majesties Justices of the Peace within the said County of S. to the Keeper of the Kings Majestie Goal at G. greeting. Whereas R. D. of B. in the said County of S. upon complaint lately made unto us of the evil Rule kept and suffered by him in his house, and other misdemeanors by Warrant under both our Hands and Seals, was discharged of his Ale-house-keeping, and was commanded by us that he should henceforth use no more Common selling of Ale or Beer: And whereas we are Credibly informed that the said R. D. notwithstanding our said Warrant and Commandment given to the contrary, as aforesaid; hath ever since, obstinately, and upon his own



own authority, taken upon him to keep a common Ale-house or Tipling-house, and still continueth the same; We do therefore send you herewith the Body of the said R. D. commanding you in His Majesties Name to receive him into your said Goal, and there safely to keep until such time as he shall from thence be delivered by due course of Law, and thereof, &c. Dated, &c.

**LXXVIII. A Warrant to levy the penalty for being Drunk.**

Effex ff.  
Forfeiture.

Forasmuch as it stands sufficiently proved before me this present day, according to the Statute in that behalf, that R. P. of W. in the said County, was Drunk at your Town of D. the 24. day of this instant December, contrary to the Law in that behalf, &c.

These are to will and require you to demand of the said R. P. the Sum of 5 s. for his Offence, and if he shall refuse or neglect to pay the same within one week now next ensuing, that then you levy the said Sum of 5 s. by distress and Sale of the Goods of the said R. P. you rendring to the said R. P. the overplus of the Money that shall remain upon your Sale of his said Goods, and the same to be bestowed and employed by you to the use of the Poor of your said Parish; and for want of distress 24 hours in the Stocks.

To the Constables and Church-Wardens of D. and every of them.

**LXXIX. Lamb. 3: cap. 1. pag. 330.** Any two Justices of the Peace may give allowance for urgent and necessary occasion to remain in an Inn, Victualling, or Ale-house, 1 Jac. 9. Justices.

**LXXX. Dalt. 148. 65.** It appeareth by Mr. Crompt. 94. *supra* 2. that it by the Justices, that the Measure of Wine and Ale should be all one, but Measures. now by 1 Jac. 9. §. N. Ale and Beer, shall be sold by retail by one and the same Measure, *scil.* the Ale-Quart.

**LXXXI. Dalt. 148. 65.** And for the Prices of all Vessels of Ale and Beer, by 23 H. 8. 4. §. 5. N. 1. Any two Justices of the Peace might Assess the Prices thereof, and that no Brewer shall take for any Barrel, Kilderkin, or Firkin, &c. of Ale or Beer, but after such Prises and Rates as shall be Assessed by the said Justices of Peace in the Countrey, or by the Mayor or their head Officers in Corporate Towns, &c. But now by the Statute, 8. Eliz. 9. §. 5. N. 1. the Assessment of the Prises thereof by the Justices shall be by the Justices or the most part of them, being present at the Easter Quarter Sessions, and only of such Vessels as shall be made or sold out of Cities or Corporate Towns, Crompt. 93. Apraisement.

**LXXXII. 11 H. 7. 2. §. 1. N. 13.** And that it shall be Lawful for two of the Justices of the Peace, whereof one shall be of the *Quorum*, within their Authority, to reject and put away Common-Ale-selling in Towns and Places where they think convenient, and to take sureties of the Keepers of Ale-houses, of their good behaviour by the discretion of the said Justices, and in the same to be advised and agreed at the time of their Sessions, *supra* 41. Justices.

**LXXXIII. West. Symb. 2. part 96. Sect. 71.** An Indictment for keeping an Ale-house or Tipling-house. Lifence.

*Juratores pro Dom. Rege sup. sacramentum suum presentant quod A. B. de C. in dict. Com. Yeoman, 10 die Mensis Octob. Anno Regni Dom. nostri &c. & continue multis diebus postea, viz. usque xxxi diem dicti Octob. Anno supradict. apud C. predict. in com. predict. obstinate atque ex autoritate propria ipsius A. B. sine ulla Justiciariorum pacis dict. Dom. Regis in Com. predict. admisione aut allocatione assumpsit sup. se custodire & custodim unam communem tavernam Anglice vocat a common Tipling-house & ibidem dicto xx. die & dictis diebus tunc postea communiter & publice vendidit cervicium & potum Anglice dictum Ale and Beer, diversis dicti dom. Regis ligeis & subditis in dicti Domini Regis contemptum ac contra formam cujusdam Statut. in Parliamentum Ed. nuper Regis Angliæ sexto tentum apud Westminster Anno Regni* Effex ff.

*Regni dicti domini Ed. quinto in hujusmodi casu provisi ac Editi. Lamb. Presid.*  
18. b. pl. 50. 5. & 6. Ed. 6. cap. 25.

Viſuals.

LXXXIV. Note that 1 Jac. 9. For restraint of inordinate Haunting and Tipling in Inns, Ale-houses and other Viſualing-houses was made to continue only to the end of the first Session of the next Parliament, but is made perpetual by 21 Jac. 7. §. 1. N. 1. And as Mr. Chamberlains last Compleat Justice pag. 9. saith, is without doubt perpetually in force, notwithstanding it be only continued by 21 Jac. 28. §. 1. N. 29. 61. unto the end of the first Sessions of the next Parliament; not only because this continuance is only affirmative, and so takes not away the force of any former Statute, which were sufficient alone, notwithstanding 1. Car. 1. cap. 4. which is expressly for further restraint of Tipling, and refers to 1 Jac. 9. &c. but also because since that Act of 1 Jac. 9. (though that be about the same matter as 1 Jac. 9.) Yet by 1. Car. 1. cap. 7. §. 3. N. 4. The Statute 1 Jac. 9. &c. is inclusively continued until some other Act be made touching the continuance or discontinuance of the same, by vertue whereof 1 Jac. 9. is also in force to this day, for no Act is made touching that matter since.

Shiriff.

LXXXV. 22. and 23. cor. 2. cap. 20. (7) §. 9. N. 2. For remedy of abuses by Bayliffs, &c. It is Enacted that if any Undersheriff, Bayliff, Serjeant at Mace, or other Officer or Minister whatsoever, shall at any time hereafter have in his custody any person by vertue or Colour of any Writ, Process, or other Warrant whatsoever, It shall not be Lawful for such Officer to convey, or cause the said person to be conveyed to any Tavern, Ale-house, or other publick Viſualling or Drinking-house, without the free voluntary consent of the said person so as to charge such Prisoner with any sum of Money, for any Wine, Beer, or Ale, Viſualling, Tobacco, or any other things whatsoever, but what the said person shall call for of his own accord.

2. Hereupon Mr. Chamberlain in his compleat Justice, page 9, 10. well infers, that Ale-houses of Bayliffs Serjeants, &c. are very mischevous, and to be considered of; and Dalt. 31. saith, such are not fit to be Licensed. *Supra* 60.

Measures.

LXXXVI. *West. Symb.* 2. part 137. Sect. 238. An Indictment of Selling Ale in Kilderkins 23 H.8. 4. §. 4. N. 1.

Bucks. f.

*Juratores pro dom. Rege super sacramentum suum presentant quod I. R. de C. in Com. B. predicti Pandoxator & A. L. de eadem C. predicti Beer Seller sunt Communes Pandoxatores in C. predicti & 10 die, &c. Anno Regni, &c. ac diversis aliis diebus ac viribus tam antea quam postea vendiderunt Cervisum & Cervisiam per diversa vasa illicita vocat Kilderkins tam magna quam parva contra formam Statutorum inde edita ad grave dampnum populi Domini Regis &c.*

Essex. f.

LXXXVII. *West. Symb.* 2. part. 96. Sect. 71. An Indictment for keeping an Ale-house, or Viſualling-house, against 5 and 6 Ed. 6. 25. § N.

*Juratores pro dom. Rege super sacramentum suum presentant quod A. B. de C. in dicto. com. E. Yeoman 20 die Mensis Octob. Anno Regni dom. nostri, &c. & continue multis diebus postea, viz. usque ad primum diem dicti Mensis Octob. Anno supradicti apud C. predicti in Com' predicti obstinate atque ex auctoritate propria ipsius A. B. sine ulla Justiciarium pacis dicti Dom' Regis in Comitatu predicti admissione aut allocatione assumpsit super se Custodire & Custodivit nnam communem Tabernam Anglia vocat a common Tipling-house, & ibidem dicto 20 die & dictis diebus tunc postea communiter & publice vendidit Cervisum & Potum Anglice dict. Ale and Beer diversis dicti Dom' Regis ligeis & subditis in dicti Dom' Regis contempti & contra formam cujusd' Statuti in Parl' Dom' Ed' nuper Regis Angliae 6. tent' apud Westm' in Com. Middlesex Anno Regni dicti Dom' Regis Ed' quinto in hujusmodi casu provisi & edit. Lamb. preced' 18. pl. 50.*

Cambs.

LXXXVIII. *West. Symb.* 2 p. 109. b. Sect. 121. Indictment against a Tipler on

on 33 H. 8. 9. §. 11. N. 1. for keeping a Bowling-alley, &c. Lamb. Precedents 18. b. pl. 51.

Juratores pro Dom. Rege super sacramentum suum presentant quod A. B. <sup>Essex.</sup> de C. in Com. E. predicti Tipler 2 die Septemb' Anno, &c. & continue post dictum diem Anno supradicti usque primum diem Mensis Octob. Anno supradicti. apud C. predicti. in Com. E. predicti quendam communem locum jaciendi Globos Anglice vocat a common Bowling-alley prolucro ipsius A. B. proprio & ad ludendum tunc ibidem cum Globis Anglice vocat Bowls: illicite tenuit Custodivit ac manutenit contra formam cuiusdam Statuti in Parl' Dom. Henrici nuper Regis Angliæ 8. Anno Regni sui 33. in huiusmodi casu provisi & editi.

Et quod I. S. de C. predicti in Com. E. predicti Labourer & tres alie persone ignot' dicto 2 die Septemb' Anno supradicti dictum communem locum usitaverunt ac tunc ibidem cum Globis Anglice vocat Bowls insimul & illicite luserunt contra formam Statuti predicti &c.

LXXXIX. West. Symb. 2. part 155. Sect. 339. An Indictment of Misrule, &c. infra 91.

Juratores pro Dom. Rege super Sacramentum suum presentant quod T. E. <sup>Essex. f.</sup> de, &c. in domo sua continue recepit hospitavit & supportat vagabond' meretrices & alios diversos homines ociosos suspecti & male conversationis & continue custodivit malam regulam & Gubernationem in domo suo, ad grave nocumentum & perturbationem omnium vicinorum suorum ac contra formam diversorum Statuti &c. ac contra pacem, &c.

XC. West Symb. 2. part 15. 7. b. Sect. 355. An Indictment of disorders &c.

Juratores pro Dom. Rege super Sacramentum suum presentant quod A. B. de <sup>Essex. f.</sup> C. &c. est communis Tiplator Cervisia & communis Barretator & pacis Domi Regis perturbator & custodiū & manuteneat quotidie & noctanter in domo sua apud &c. diversas personas suspecti tam Homines quam Mulieres & Vagabond' ibidem bibentes jurantes & ludentes ad luda illicita, viz. apud Cards and Dice, in noctibus post horas debitas & legitimas & qui vigilant in nocte & dormiunt in die nec non habet fidem & opinionem contra fidem Dei. & hec verba dixit 2 Septemb. Anno apud, &c. in his Anglicanis verbis sequenti, God never took Flesh nor Blood of our Lady, in presentia D. E. F. G. & aliorum ligeorum dicti domini Regis in malum exemplum & magnum nocumentum omnium aliorum ligeorum dicti Dom. Regis Coronæ & dignitat' suas.

XCI. Practick Precedents 135. An Indictment for keeping a disorderly Ale-house, supra 89.

Juratores pro Dom. Rege super Sacramentum suum presentant quod G. R. <sup>Midd. f.</sup> nuper de A. in parochia de Illington in Com. M. pred. Yeoman 2 die Julij Anno Regni, &c. & diversis aliis diebus ac vicibus tam antea quam postea apud parochiam pred. in com. pred. custodivit & manutenuit & adhuc custodit & manuteneat quamdam demum tiplatorium malegubernat & inordinat Anglice vocat a common disordered Ale-house & in eadem domo ad tunc & ibidem permisit diversas personas otiosas & male dispositas Juratoribus pred. ignot' diversis temporibus tam per noctem quam per diem esse & remanere tiplantes bibentes & se malegerentes ad magnam inquietatem & perturbationem omnium ligeorum & subditorum dicti Dom. Regis ibidem inhabitant' in contemptu Legum Angliæ in malum exemplum omnium aliorum in huiusmodi casu delinquentium, ac contra pacem dicti Domini Regis nunc Coronam & dignitatem suas.

XCII. Practick Precedents 89, 90. An Indictment against a common Drunkard.

Juratores pro Dom. Rege super Sacramentum suum presentant quod A. B. <sup>Midd. f.</sup> nuper de C. in Com. pred. Yeoman 10 die, &c. Anno Regni, &c. & continue multis aliis diebus & vicibus tam antea quam post, predicti diem, &c. Anno, &c. supradicti apud C. predicti in Com. predicti & alibi in diversis aliis locis infra.



*Com' pred' fuit & adhuc est communis pcculator Anglice vocat' a common Drunkard, & communis perturbator pacis dicti Dom' Regis in malum exemplum fidelium subditorum dicti Dom' Regis nunc & contra pacem dicti Dom' Regis Coronam & Dignitatem suas, &c.*

### Alien & Allegiance.

Denizen, Foreigner, Strangers.

Peace.

I. **D** *Alt.* 164. cap. 68. An Alien born, who is made a Denizen, may have his surety of the Peace; and so of an Alien born, who liveth in *England* under the King's Protection, although he be not made Denizen, because (*Crompt. J. P.* 134. b.) it's Felony to kill him, *Lamb.* 2. cap. 2. page 80.

War.

II. *Dalt.* 164, 165. cap. 68. And so of an Alien, whose King is in League with our King; or if there be no Wars between this Realm and that Realm whereof the Alien is; for by the Common-Law all these may get and have within this Realm any personal Goods, and sue for the same, and so have the benefit of the King's Laws and Protection; But an Alien who is the King's Enemy, (*viz. where there is open War between our King and his King*) shall not have this surety granted to him, nor any other benefit of the King's Laws, *Dyer* 2. & 7. Co. 16, 17, &c. *Calvin's Case. Crompt. J. P.* 134. a. b. such Enemy may be killed.

Apprentice.

III. If an Alien born serve seven years as an Apprentice in *England*, *Query*, If he be within 5 *Eliz.* 4. §. 31. N. 1. to set up his Trade? see 1 *R.* 3. 9. §. 9. & 21 *H.* 8. 16.

Merchant.

IV. 9 *Ed.* 3. Alien or Denizen Merchant, except the King's Enemies, may buy and sell where they will, within Franchises or without, 14 *Ed.* 3. 2. 2 *L. Ed.* 3. St. 2. cap. 2. 5 *H.* 4. 7.

*Alms-houses, see Poor.*

### Amerciaments.

*Fines, Forfeitures, Contempts, Affearment, Estreats.*

Force.

I. **L** *Amb.* 2. cap. 4. page 159. Touching the assessment of the Fines or Ransoms upon the Offenders so convicted by the Record of the Justice of Peace (on 8 *H.* 6. 9. §. N. of forcible entry) and by his Warrant sent to the Gaol, some men do think that the same Justice hath sufficient authority to put them to their Fines, and upon Pledges found for the payment thereof, to deliver them out of Prison again, when he by his discretion shall think good; for (as they say) he is only appointed Judge over this Offence, and only hath the custody of that Record, and knoweth best both how to moderate the Imprisonment, and to rate the Fine according to the quantity of their Trespas and Offence; and as he is bound by his Oath and Duty in their opinion to estreat all Issues and Amerciaments growing to the King by his enquiry, so ought he also to estreat and send this into the *Exchequer*, that from thence the Sheriff may be commanded to levy it to His Majesties behoof; But granting this to be true, yet to avoid all peril of dashing against the Rock of Doubt, I think it the better course to refer this over also to the *Kings Bench*, &c.

Justices.

II. *Lamb.* 3. cap. 2. page 355. Two Justices of the Peace (whereof one to be of the *Quorum*) appointed by the *Custos Rotulorum*. or by the eldest of the *Quorum* in his absence, are to oversee and controul the Sheriffs Books and Amerciaments, and the Estreat of the said Amerciaments are to be made by Indenture between them and the Sheriff or Under-sheriff, and to be

to be sealed with their Seals; and they may upon suggestion make Process, as in an Action of Trespass against the Offenders of that Statute, (*viz.* 11. H. 7. 15. §. 1. N. 17.) to answer before them, *Crompt.* 200 b.

III. *Lamb.* 4. cap. 3. page 380. The Justices of Peace be so necessary, as Justice without them (though all others should appear) no Sessions can be kept; And yet if any of them be absent, their fellow Justices cannot amerce them, as the Justices of Assize may do; for *inter pares non est potestas*.

IV. 27 H. 8. 24. §. 9. N. 1. That the King, &c. shall have all manner of Fines, Fines, Issues, Amerciaments, and Forfeitures, &c. assessed by or upon any Stewards, Bailiffs, or any other Ministers or Officers of any Franchises or Liberties for *non exicution, misexicution* or insufficient returns of such Writs, Warrants, Precepts, or other Process, which to them, or to any of them, or to any their Deputies, shall be directed; or for any contempt or other misdemeanour whatever it be concerning their Offices in and for the due execution or administration of Justice, any Grant or Allowance, or other thing to the contrary, notwithstanding.

V. 5, & 6 Ed. 6. 25. §. 5. N. 3. The said Justices of Peace in Town or Ale, County, upon the said Certificate made (of disorder, or selling Ale without License) shall in open Sessions assess the Fine for every such Offence, at 20 s. *Lamb.* 563. 569. in Ale, §. 26. 30.

VI. 11 H. 7. 4. §. N. 16. Be it also ordained that the Justices of the Peace, &c. make like process against all persons found, &c. defective in Weights, Process, and measures, and for such Fines and Amerciaments as upon them shall be assessed, as if they were Indicted before them for breaking of the Kings Peace,

VII. *Lamb.* 571. 572. No doubt but this Ordinance (*viz.* 51 H. 3. Stat. Exchequer. 5. pag. 11. §. 1. N. N. 2.) doth extend to the Justices of Peace, as a man may easily gather by words in the Statute of Labourers, 5 Eliz. 4. §. 39. N. 4. That all Estreats of Fines, and Amerciaments, be certified into the *Exchequer* *Crompt.* 168.

VIII. *Lamb.* 4. cap. 21. pag. 617. If the Fines and Amerciaments of the Fees, same Sessions (saith Mr. Marrow) will not fully amount to the Sum of the Wages then due to the Justices, Yet shall the Wages be Ratably paid out of them, so far as they will extend.

IX. *Crompt.* 168. A Justice of Peace may deliver into the *Exchequer* an Issues, Indictment of Fines upon the Country before them, and I have done so and it was Received in the *Exchequer*, by the hands of one of the Barons there, *Lamb.* 571. 572.

X. *Lamb.* 4. cap. 16. pag. 566. And in that respect chiefly doth it (*viz.* Fines, a Fine for which a man is Imprisoned,) differ from an Amerciament; for when the Offendor hath not so deeply trespassed, that thereby he deserveth any bodily punishment at all, as if he be nonsuited in any Action, or do commit any such like fault, he is said to fall into the Kings mercy, because he is therein mercifully to be dealt with *T. D. L. verbo Amerciament.*

XI. *Lamb.* 567. 568. But now of later time the Justices themselves have in some case of Amerciaments also used to Assess and Rate the same without any other help, as where the Officers of their Courts have offended, 33 H. 6. 54. 34 H. 6. 20. & L. 5 Ed. 4. 5. which also seemeth to make another difference between Fine and Amerciaments, but neither of these be strictly observed, either in common Speech, or in the understanding of the latter Statutes.

XII. *Lamb.* 568. Now therefore if the Offence be Finable by General Justices, words only, without speaking of any Fine, or without shewing by whom the Fine shall be Assessed, for so it is commonly in the Elder Statutes that do prohibit any thing to be done there, the Assessment thereof belongeth to the Justices before whom the conviction is lawfully had.

Fines.

XIII. Resolution of the Justices 1633. *Dalt.* 119. in *Poor* 537. 8. *Quare* whether it be in the power of any General Quarter-Sessions to mitigate any penalty upon a Statute-Law, if the party Indicted shall submit himself to the Fine of The Court, and Wave the traverse?

Resolved if the party be Convicted, or Confess the fault, it is not in the power of the Court to mitigate the Fine in such cases where the Statute makes it certain, *Lamb.* 568. 569. in Justices 185.

But if the party Indicted protesting his Innocency, yet *quia noluit placitare cum Dom. Rege*, puts himself into the Grace of the Court, the Court may impose a moderate Fine, and order to forbear the prosecution.

*Annum & Diem, &c.* see *Days*.

### *Apparel.*

*Liveries.*

Drapery.

I. 1 Jac. 25. §. 4. 5. N. 1. A Repeal of all Statutes of Apparel.

### *Appeal.*

A *Procurer, Coron.*

Abatement.

I. 6 Ed. 19. §. 1. N. 4. No Appeal shall be abated so soon as they have been heretofore; But if the Appeal do declare the Deed, the Year, the Day, the Hour, the time of the King, and the Town where the Deed was done, and with what Weapon he was Slain, the Appeal shall stand in Effect.

Fresh Suit.

II. 6 Ed. 1. §. 1. N. 5. *Glocester*, and shall not be abated for default of Fresh Suit, if the party shall Sue within the Year and the Day after the Deed done.

Dyces.

III. *Crompt.* J. P. 25. b. §. 54. The Appeal shall be brought within the Year after the Death of the party, and not of the Stroke, and so is the Common experience in *B. R.* and so is the Law without question, as *Wray* Ch. J. there said 4. co. 42. and so it is in case of an Indictment that accounts of the Death, not from the stroke, but from the Day when the party died.

### *Appearance.*

*Attorney.*

Attorney.

I. 6 Ed. 1. 8. *Glocester*, May be by Attorney in such Pleas where Appeal lyeth not, and party absent, attainted shall have like pain as if present.

Sessions.

II. *Lamb.* 390. At the General Sessions must appear the Justices, the Clerks of the Peace, the Sheriff, Coronors, Bayliffs, Constables, &c.

### *Apprentice.*

*Trades, Labourers, Servants, Workmen, Artificers, Handicraft-men.*

Licence.

I. 5 Eliz. 4. §. 10. N. 6. The Form of a Testimonial to a Servant departing, to be signed by the persons, &c. where the last Master dwelt.

Husbandry.

Memorandum That A. B. Servant to D. C. of E. Husband-man, or Taylor, &c. in the said County, is Licensed to depart from his said Master, and is at his Liberty to serve elsewhere according to the Statute in that case made and pro-



provided, In Witness whereof, &c. Dated, &c. the day, &c. of the making thereof.

II. *Hetley*, 164. pl. 351. *Browns Ca. Hill*. 6. *Car.* 1. In an Information upon 5 Eliz. 4. §. 11. N. 1. Only shewing the said Branch, and by *Hutton* and *Harvey* Justices, that it is not to be intended of an Apprentice in Husbandry, but of an Hired Servant, for the said Statute did not provide for the departure of an Apprentice, because that an Apprentice ought to be by Indenture, and then a Writ of Covenant lyeth upon his departure to force him to come again, and by the Common-Law an Action upon the case lyeth for retaining the Servant of another, *Winch.* 25. pl. 63. Husbandry.

III. *Hetley* 165. *ibidem* And by them the retainer, without having any Testimonial, which is an offence against 5 Eliz. 4. §. 10. N. 1. is after the years of retainer expired, for so are the Words of the Statute. Licence.

IV. *Hetley* 165. *ibidem* But they said that the Information was nought, because it doth not appear that the Defendant did not retain him out of the parish where they served before, for the Statue 5 Eliz. 4. §. 10. N. 2. saith, out of the City, Town, or Parish, &c. except he have a Testimonial, and the words *Secundum formam Statuti*, will not aid it; and in the same Village or City, &c. the Statute doth not require a Testimonial, because that there it was known &c. Lieu.

V. *Lamb.* 2. cap. 7. pag. 190. 191. by 5 Eliz. 4. §. 5. N. 5. Any one Justice of the Peace may take upon him to hear and order the controversies between Masters and Servants, touching their departure, and may allow of the reason and sufficiency of the Cause for which a Master may put away his retained Servant, or for which the Servant may depart before the end of his Service, and he may in Hay-time or in Harvest upon request, and for the saving of Corn, Grain, or Hay, cause such Artificers, and persons as be meet to Labour by his discretion to serve by the day for the getting, cutting, Inning, or carrying thereof, according to the skill and quality of the Person; and may upon his refusal, Imprison him in the Stocks, by the space of two days and one night: And his Testimonial under his Hand and Seal to such as may pass in Hay or Harvest time from one Shire to another, sufficient; and he also (upon complaint made) may Commit that party to ward, that in his Judgment shall be thought meet, and yet shall refuse to be bound as an Apprentice according to the intent of the Statute, there to remain until he be contented so to be bound: And he also may by his discretion, upon complaint of the Apprentice take order between his Master and him; and for want of conformity in the Master, may bind him to appear at the next Sessions before the Justices, *Crompt.* 159. §. 16. and 156. §. 28. and 197. §. 34. *Dalt.* 7. 7. 78. cap. 31. Justices.

VI *Lamb.* 3. cap. 1. pag. 329. Any two Justices of the Peace upon complaint that any Servant retained by the Statute 5 Eliz. 4. departeth before the end of his Term, or at the end thereof, without a Quarters warning: Or that any person compellable by the Statute to serve, doth refuse to serve for the Wages appointed, may examine the matter, and finding such Servant or person faulty, may commit him to Ward, there to remain till he shall be bound to the party offended, to serve and continue according to the Statute, *Crompt.* 198. *Dalt.* 78. cap. 31. Justices.

VII. *Lamb.* 329. 330. *ibid.* They also (*viz.* 2. Justices) may Imprison for ten days the Master that giveth, and for 21 days the Servant that taketh more Wages then after the Rates thereof made, 5 Eliz. 4. §. 15. N. 2. and may Imprison for a whole year such Servant as shall be convicted before them by his own confession, or by the Oaths of two honest Men, to have made any assault upon his Master or Mistress, or other person having any charge of him, or of the Work, and they may appoint any Woman, being unmarried, of the Age of 12 years, and under 14, that is out of Service, and whom

- whom they shall think meet to Serve, to be retained by their discretion, and may upon her refusal, commit her to Ward, till she be so bound to serve, 5 Eliz. 4. §. 24. N. 2. *Crompt.* 198. *Dalt.* 79 cap 31.
- Justices. VIII. *Lamb.* 330. *ibid.* Any two Justices of the Peace may make Testimonial to a Tiring-man that is turned away from his Master, or whose Master is dead, 14 Eliz. 5. §. N. 18 Eliz. 3. §. N. and 27 Eliz. 11.
- Poor. IX. *Lamb.* 330. Any two Justices of the Peace may give assent to the Church-Wardens and Overseers, or the greater part of them, to bind as Apprentice the Children of Poor Parents, till the age of a Man-child of 24, and till 21 of the Woman, 39 Eliz. 3. *Dalt.* 391. *infra.*
- Certificate. X. *Lamb.* 3. cap. 3. pag. 360. It is requisite by 5 Eliz. 4. §. 27. N. 2. That the Certificate that is to be made to the head Officer of the City or Town Corporate where a Child is to be put Apprentice to a Merchant, Mercer, Draper, Goldsmith, Ironmonger, Imbroiderer, or Clothier, that the Father or Mother of such Child may dispend 40 s. Freehold by the Year, be under the Hands and Seals of three Justices of the Peace where the Lands lye, *Crompt.* 200. *b.* *Dalt.* 80. cap. 31.
- Fees. XI. *Lamb.* 364. Every Justice of Peace sitting in execution of the same Statute of Labourers and Servants (5 Eliz. 4 §. 38. N. 1. ) shall have 5 shillings the day, for three days together, out of the forfeitures that grow upon the same Statute.
- Fees. XII. *Lamb.* 4. cap. 4. pag. 430. Article, in charge at Sessions on 5 Eliz. 4. §. 10. N. 5. if any Parson, Vicar, or Curat, have taken above 2 pence for Registring a Testimonial for any Servant departing from one place to another, *Crompt.* 175. *b.* §. 3.
- Trades. XIII. *Lamb.* 454. Article of Charge in Sessions on 5 Eliz. 4. §. 31. N. 1. If any person do use any Art or Manual Occupation used in the fifth year of the late Queen *Elizabeth*, which hath not been brought up therein 7 years at the least, as an Apprentice, or hath set any to work in it which is not a Workman, or a Journeyman by year, or hath served as an Apprentice, *Crompt.* 82 *b.* 83.
- Dayes. XIV. *Lamb.* 465. 466. Article of Charge in Sessions, if any person have been retained into service to work for any less time then a whole year, in any the Arts of a Clothier, Wollen-Weaver, Tucker, Fuller, Cloath-Worker, Sheer-Man, Dyer, Hosyer, Taylor, Shooemaker, Tanner, Pewterer, Baker, Brewer, Glover, Cutter, Smith, Farrior Curryer, Sadler, Spurrier, Turner, Capper, Hatmaker, Feltmaker, Bowyer, Fletcher, Arrowhead-maker, Butcher, Cook, and Miller, and if any person, being unmarried or under thirty years of Age, and married, and being compellable to serve in any of those Arts, have refused to serve, 5 Eliz. 4. §. 35. N. 1.
- Husbandry. XV. *Lamb.* 466. *ibid.* If any person being between the Age of twelve, and therefore being Compellable to serve in husbandry, have refused to serve in husbandry 5 Eliz. 4. §. 7. N. 14.
- Fees. XVI. *Lamb.* 466. *ibid.* And if any person have given any Wages, contrary to the Rates of Wages of Servants and Labourres, appointed and proclaimed 5 Eliz. 4. §. 18. N. 1.
- Husbandry. XVII. 466. If any person retained in husbandry, or any the said Arts, have after his retainer expired, departed out of one Limit Town or Parish into another, without a Testimonial; and if any person have accepted into his Service any so departing, without shewing such Testimonials, 5, Eliz. 4. §. 10. N. 5.
- Notice. XVIII. *Lamb.* 466. If any any person have put away his Servant before the end of his Term without reasonable and allowed cause before a Justice of the Peace: Or at the End of his Term, without a Quarters warning before-given; and if any Servant departeth without such cause before the end of the Term, or at the end thereof without such Warning given before two Lawful Witnesses, 5 Eliz. 4. §. 8. N. 1.

XIX. *Lamb.* 467. If any Artificer, or Labourer hired by the day or week, have not continued at his work so many hours in the day as he might, or taking any work by the Great, have unlawfully departed before the Finishing thereof, 5 Eliz. 4. §. 13. N. 1.

XX. *Lamb.* 467. If any Servant, Workman, or Labourer, have wilfully Labourers, and maliciously made any Assault or Affray upon his Master, or Dame, or other persons having the Charge of such Workers or Works, 5 Eliz. 4. §. 35. N. 1.

XXI. *Lamb.* 467. If any Constable or head Officer, have not upon com-  
plaint put into the Stocks two days and one night, every Artificer or Per-  
son meet to Labour, that hath refused to Labour in Hay-time or Harvest,  
for the getting or carrying of Corn, Hay or Grain, being thereunto ap-  
pointed by a Justice of Peace, or such Constable or head Officer, 5 Eliz. 4.  
§. 22. N. 1. Peace.

XXII. *Lamb.* 467. If any person have taken any Apprentice against the  
Order of the Law: And if any person have exercised any Art, not being  
brought up therein as an Apprentice Seven years, 5 Eliz. 4. §. 31. N. 1. Constable.

XXIII. *Lamb.* 4. cap. 6. pag. 504. So may the Justices hear and determine  
by Information, Action of Debt, or Bill of offences, against the Statute of  
Labourers, 5 Eliz. 4. §. 39. N. 2. *Crompt.* 127. 184. *infra.* Trades.

XXIV. *Lamb.* 4. cap. 8. pag. 517. So if a Servant depart into another  
Shire, the Justice of Peace of that Shire where the departure was, may grant  
Writs of *capias* to the Sheriff of that other Shire where the Servant is re-  
turnable before themselves, 5 Eliz. 4. §. 47. N. 1. *Crompt.* 149 b. 109. b. *infra.* Informations.

XXV. *Lamb.* 571. 572. No doubt but 51 H. 3. Stat. 5. page 11. *descauca-*  
*rio*, this Ordinance doth extend to the Justice of Peace, as a man may  
easily gather by Words in the Statute for Labourers, 5 Eliz. 4. §. 39.  
N. 3. *Crompt.* 166. Process.

XXVI. *Lamb.* 593. I think it cleerly proved, that, before 5 Eliz. 4. §. 39. Issues,  
the Quarter Sessions ought to be directed by the Statute, 2 H. 5. 4. §. 2.  
N. 2. *Crompt.* 123. §. 24. *Infra.*

XXVII. *Lamb.* 594. Upon this Statute 5 Eliz. some have thought that  
2 H. 5. 4. §. 2. N. 2. is repealed concerning the Branch of the Sessions, and  
others do think the contrary, and prove it by 5 Eliz. 4. §. 15. N. 1. which  
cannot be understood of any other Statutes concerning the Sessions, but  
only of 2 H. 5. 4. §. 2. N. 2. &c. Justices.

XXVIII. *Lamb.* 4. cap. 19. pag. 601. The Proof of the Sufficiency or  
insufficiency of the Cause for which the Master may put away his Servant,  
or the Servant may depart from his master before the end of the Term, shall  
be made at the Quarter Sessions, 5 Eliz. 4. §. 35. N. 4. Justices.

XXIX. *Lamb.* 4. cap. 21. pag. 620. If any Justice of Peace not being  
Sick, nor having other Lawful excuse to be testified under the Oath of one  
assessed in the Subsidy Book at 5 pounds, &c. do not assemble at the Easter  
Sessions to rate the Wages of Servants, &c. he shall lose ten pounds to the  
King, 5 Eliz. 4. §. 17. N. 1. Proof.

XXX. *Lamb.* 4. cap. 19. pag. 609. The Wages of Servants and Labour-  
ers are to be rated by the Justice of Peace at the Easter Quarter-Sessions,  
or within six weeks after Easter, where those Sessions be usually holden  
in one place for the Shire by all Justices together, but where they are not  
so usually holden, but in several places for several divisions, there the Justices  
of Peace, or the most part of them resident within such division, shall  
at the same Quarter-Sessions, or at the time of Easter Sessions as is afore-  
said, Rate and Ingross in Parchment under their Hands and Seals the  
Wages for Labourers, &c. within that Division, and the Sheriff shall pro-  
claim the same in places convenient therefore, 5 Eliz. 4. §. 15. N. 1. *Crompt.*  
124. §. 24. *Infra.* Justices.



Poor.

XXXI. *Crompt. J. P. 7. b. §. 17.* Note that there is a Statute made 5 Eliz. concerning Workmen, Artificers, Labourers, Apprentices, and Servants; and another made 14 Eliz. 5. of Vagabonds, of which Statutes the Justices have power thereby to inquire, and to punish them according to the Form of the said Statutes, by which all other Statutes concerning them are of little effect at this day, if it be not in certain special points.

Coron.

XXXII. *Crompt. 49. b.* Article of inquiry at Sessions, of those Servants that are past the age of 18 years, and are not Apprentice, to whom any Caskets, Jewels, Goods, or Chattels are delivered by their Masters accord, and run away with them, or any part of them, to the intent to steal or defraud their Masters or Mistresses of them, or be in service with their Master, Imbezil the said Caskets, Goods or Chattels, without assent or command of their Master, or convert them to their own use, with like purpose and intent to Steal them, which Goods are of the value of 40 s. or more; this is Felony, 21 H. 8. 7. and 5 Eliz. 10. *Fitz. J. P. 119. Infra 66.*

Trades.

XXXIII. *Crompt. 82. b. 83. item.* Sessions shall inquire whether any Use or Exercise, any Mystery, Art, or Manual Occupation Used or Occupied, (5 Eliz.) within this Realm, who hath not been Educated therein seven years at least as an Apprentice, or put any to Work therein who is not a Workman, unless he be an Apprentice, or hath served as an Apprentice, or shall be a Journeyman, a year on payment of 40 s. for every month. 5 Eliz. 4. §. 31. N. 1. *Lamb. 454. supra.*

Justices.

XXXIV. *Crompt. 124. §. 24.* The Justices may hold Sessions annually between Michaelmas and Christmas, and between the Feast of the Annuntiation, and St. John Baptist; to inquire of the Branches of the Statute of Labourers, and of the good execution thereof, and punish the Offenders by 5 Eliz. 4. §. 37. N. 1. *Lamb. 593. 594. 609. supra.*

Process.

XXXV. *Crompt. 149. b.* A Justice of the Peace of the County, or within a City or Vill Corporate may Award all the Writs of *Capias* that are necessary to any Sheriff, or chief Officers of places or other Counties from whom a Servant, or Apprentice of Husbandry, or any Arts, Sciences, or Occupation mentioned in 5. Eliz. 4. is unlawfully departed, is returnable before themselves when they please, and upon their appearance they may commit them until they find sureties well and honestly to serve their Masters from whom they departed, as appears by the Statute, 5 Eliz. 4. §. 47. N. 1. *Lamb. 517. supra* see 2 H. 5. 4. *Crompt. 185. b.*

Bail.

XXXVI. *Crompt. 154. b.* The Servant that departs out of the Service of his Master against the Statute 5 Eliz. 4. nor he that refuseth to serve for the Wages limited; nor who promiseth to serve, and doth not serve according to the said Statute, nor Artificers, nor Labourers or, &c. that depart before the Work they undertook to do be finished, unless for Lawful cause, nor he that is Committed, because he gave or received Wages against the Statute, shall not be Bailed.

Justices.

XXXVII. *Crompt. 168.* The Justices of Peace or the greater number of them shall assemble yearly at Easter Sessions, and there rate the Wages of Servants, &c. for that year, and certifie it into the Chancery before the 12 of July next after, on pain of 10 l. every Justice that is negligent in doing thereof according to the Statute, 5 Eliz. 4. §. 15. 1. *Lamb. 609. supra.*

XXXVIII. *Crompt. 175. b. §. 3.* A Parson, Vicar, or Curate, shall make a Testimonial to Servants that depart from their Masters, and shall have two pence only for making thereof, and for Registring thereof 5 Eliz. 4. §. 39. N. 2. *Lamb. 504.*

Action.

XXXIX. *Crompt. 184.* Justices of Peace may Award execution to the informer, or to him that will sue by Action of Debt, or Bill of complaint for the Moity of forfeiture by the Statute of Labourers, made 5 Eliz. 4. §. 39. N. 2. *Lamb. 504.*

XL. *Crompt.* 185. By these Cases of F. N. B. 169. 168. 38. H. 6. 14. La- Trades,  
bourers 19. 44. 56. 14. *Com.* 259, &c. It appears what the Law was before  
the making of the Statute of 5 Eliz. 4. whereby another Law is given for  
the Retainer, Departure, &c. of Servants Retained in Husbandry, and for  
Apprentice and others.

XLI. *Crompt.* 185. *b.* The Justice of Peace may Award Writs of *Capias* in any Process,  
County to take Servants; where, &c. who flee into other Counties  
from their own Masters, to bring before them at such time as they will  
Assign, *Crompt.* 149. *b.* & *Lamb.* 517. *supra.*

XLII. *Crompt.* 185. *b.* *Nota.* If any Serving-man depart without cause from Imprison,  
his Master, he shall be Imprison, for 23 Ed. 3. 2. §. N. as to the departure  
of Servants, is general, 38 H. 6. Labourers 9. but 5. Eliz. 4. §. 11. N. 1. ex-  
tends not to such Servingmen, but to Servants in Husbandry, &c. *Dalt.* 81.

XLIII. *Crompt.* 184. *b.* 189. *b.* He is no Apprentice, if he be not retain, by Deeds,  
Indenture, and by the name of an Apprentice expressly, *Hill.* 3 H. 8. *Ret.*  
379. *Dalt.* cap. 40. and cap. 31. pag. 81.

XLIV. *Dalt.* 78. cap. 31. Also it seemeth that if the first Justice of Peace  
to whom complaint was made, (*viz'* on 5 Eliz. 4. §. 5. N. 5. ) shall find the Process,  
default to be in the Apprentice, that then the said Justice of Peace may  
send him to the House of Correction, as an idle or disorderly person, by  
the Statute 7 Jac. 4. and needeth not to trouble the Sessions with him, yet  
*quere Dalt.* 359.

XLV. *Dalt.* 78. *ibid'* Any one Justice of Peace may allow of the cause of Justices,  
putting away of a Servant, or of the departure of a Servant within his Term;  
But otherwise of an Apperntice, for an Apprentice cannot be discharged  
but by four Justices of Peace at the least, and in open Sessions as afore-  
said, or else by the agreement of the Master and the Apprentice, and under  
his Masters hand in Writing; And yet one that is retained as an Apprentice  
may be seised by his Lord as a Warde, by reason the Lords Title is more  
antient, *Crom'* 259. Laboures, 143. *Br.* 27. 30.

XLVI. *Dalt.* 78. *ibid'* And yet one Justice of Peace as it seemeth may Process;  
make his Warrant to attach a Servant or Apprentice, departed out of Ser-  
vice, or refusing to serve, to be before the Justices at their Sessions, there  
to answer their defaults, *Dalton* 259. 360. cap. 121. and it seemeth that  
any one Justice of Peace may send such idle or disorderly Servants to the  
House of Correction, and that by the Statute of 7. Jac. 4. §. 8. N. 3. *Dal-*  
*ton* 385. cap.

XLVII. *Dalt.* 80. cap. 31. The Reason of this Law, (*viz'* 5 Eliz. 4. §. 27. Corporat,  
N. 2. ) seemeth to be, for that such as be to be bound Apprentices in Corpo-  
rate Towns, &c. If their Parents be of Competent Livelihood, then their  
Master shall not only be the better secured, &c. but such Apprentices also  
in likelihood shall have better means to set up their Trades after their time  
expired, and concerning such whose Parents have not 40 *s.* per Annum, they  
are fitter to be bound Apprentice to Husbandry, &c. in the Country, *Lamb.*  
360. *Crompt.* 200. *b.*

XLVIII. *Dalt.* 80. cap 31. But concerning this Certificate, (on 5 Eliz. 4. Certificate,  
§. 27. N. 2, ) it seemeth not much in use at this day, neither is this Certi-  
ficate so of the substance of the matter, or so material, that for want thereof  
the Indenture for Binding of such an Apprentice shall be void; For the  
Justice of Peace cannot be compelled to Certifie, &c. But if the Parent have  
50. *s.* per Annum it sufficeth; And so were the opinions of Sir *Humsfrey*  
*Winch*, and Sir *William Jones*, in the Court of K. B. *Pasch.* 21, Jac.

But Sir *Henry Hobard* Lord Chief Justice of the K. B. did not then de- Trades;  
liver his opinion therein directly, yet he seemeth to me to hold that the  
Parents of such an Apprentice ought to have 40 *s.* per Annum, and also  
ought to procure such a Certificate from the Justice of Peace,

Trades.

XLIX. *Dalt.* 80. cap. 31.. By the Common-Law no man may be prohibited to Work in any Lawful Trade, for the Law abhorreth Idleness, 11. Co. 53. b.

Trades.

L. *Dalt.* 80. cap. 31. A Woman cannot be restrained to use the Trade of making Dice, Cards, Bowls, or the like (except it be by Parliament,) for all Trades which do avoid Idleness, Exercise men in Labour for the Maintenance of them and their Families, And to increase their Substance, And to serve the King when need shall be, are profitable for the Common-wealth, and therefore the restraining of them is against the Law, 11. Co. 34. 8. Co. 126.

Trades.

LI. *Dalt.* cap. 31, Also by the Common-Law no man is prohibited to use divers Misteries and Trades at his pleasure, And although this was prohibited by the Statute. 37 Ed. 3 6. yet presently at the next Parliament that Restraint of Trade being found prejudicial to the Commonwealth, it was Enacted again 36 Ed. 38. that all persons should be as free as they, were at any time before the said Statute, 11. Co. 54.

Trades.

LII. *Dalt.* 81. *ibid.* If a man use the Trade of Tallow Chandler, Baker, Brewer, or any other Lawful Trade or Manual occupation for his own use, or the use of his Family, without Selling any for the lucre and Gain, he may Lawfully do it, 8. Co. 129. 13. and 11. Co. 54. and yet he which useth any Trade or other Manual Occupation for the use of himself, or of his Family only, without selling, he cannot retain any Apprentice which in the Statute of 5 Eliz. 4. but he may hire one, to be his Servant who is skilful in that Trade or Occupation 8. Co. 129.

LIII. *Dalt.* 81. cap. 31. One purchased a Mill, and hired a Miller to be his Servant who Grown'd the Grists of his Neighbours, and the Wife of the Owner of the Mill took Money of their Neighbours for their Grists so Grown'd, and for this the Husband who was owner of the Mill, was Indicted at Cambridge Summer Assizes, Anno. 1619, by reason that he was never himself an Apprintice to the Trade, It was the Case of T. P. Yeoman.

Ale.

LIV. *Dalt.* 81 *ibid.* The intent of 5 Eliz. 4. was, that no person should take upon them any Art, Mystery, or Trade, &c. But such wherein they had Skill and Knowledge. And therefore none may keep a Common Brew-house, Cooks-shop, &c. to Sell to others, except they have been Apprentice thereto by the space of seven years.

Infant.

LV. *Dalt.* 82. cap. 31. If an Infant, Man or Woman, of twelve years of Age, or a Gentleman, Chaplain, Carpenter, or other person which is not compellable to serve, yet if they shall make a Covenant to serve in Husbandry, they shall be bound by their Covenant, and are punishable if they then shall depart, &c. *F. N. B.* 168. *Lee. Br.* 67. See 5 Eliz. 4. §. 42. N. 1. Yet by the Common-Law such a Covenant, or retainer of an Infant under twelve years of Age, was void, they neither having ability of Body, nor years to consent; for an Infant by the Common-Law is not of Age to Bind himself by Covenant *ante Annos Nubiles* which is 12 years in a Woman, and 14 years in a Man, 7. Co. 43. and 9. Co. 72. neither before that Age are they accounted *potens in corpore*, which were the Words used in the Statute 23 Ed. 3. 2. tho' those words are now left out of the Statute 5 Eliz. 4. §. 22. N. 7. and thereupon *Markham* in 21 H. 6. 32. and *Coverture Br.* 25. 30. Seems to hold 14. years, to be the Age of a Retainer of an Infant, but there the case was of a Man-child that was retained, 2 H. 4. 18. *Labourers Br.* 19. 20. But now by the Statute 5 Eliz. 4. §. 25. N. 1. Any person above the Age of 10 years by their own consent and agreement, may by Indenture be Bound an Apprentice to Husbandry or any other Trade or Art. Also one of 12 years of Age by the same Statute, 5 Eliz. 4. §. 7. N. 1. 14. is compellable by the Justice to serve in Husbandry, so also it seemeth of other Trades, Arts, Occupations *Winch.* 26. *infra.*

LVI.



LVI. *Dalt.* 82. cap. 31. Such Children whose Parents are not able to <sup>Poor,</sup> maintain them, though they be under 12, yet may they be Bound Apprentices by the overseers of the Poor with the assent of any two Justices of the Peace by 43 *Eliz.* 2. §. 5. N. 1.

LVII. *Dalt.* 82. If a Child use Husbandry till the Age of 12 years and <sup>Husbandry,</sup> after be made an Apprentice to any Mystery, his Covenant shall be void: But *Quere* if this be not repealed by the general words of the Statute, 5 *Eliz.* 4. §. 12. N. 1. also see the Statute 1 *Jac.* 2. 5. §. 17. N. 1.

LVIII. *Dalt.* 82. 'A Servant may be compelled to Serve in Summer in <sup>Lieu,</sup> the place where he served in Winter before; but this seemeth to have been only by 23 *Ed.* 3. 2. which Statute now stands repealed by 5 *Eliz.* 4. §. 23. N. 1. *Crompt.* 238. b. *infra.*

LIX. *Dalt.* 83. cap. 31. If a Servant who is Retained shall depart out <sup>Departure,</sup> of his Service and wander, he may be compelled to Serve another Man; But yet the first Master may take him away again, *F. N. B.* 168. Notice *Br.* 24. And besides, it is safe to get the consent of the first Master: For now, 5 *Eliz.* 4. §. 11. N. 1. The Master Retaining a Servant departed, without shewing a Testimonial before his Retainer, forfeits 5 *li.*

LX. *Dalt.* 84. If the Master or his Wife shall beat the Servant, these were <sup>Peace,</sup> good cause for the Servant to depart, before 5 *El.* 4. §. 5. N. 5. But now the allowance of the Justice of Peace is requisite, and yet note that the Master by Law is allowed with moderation to chastise his Servant or Apprentice, See 33 *H. 8.* 12. §. N. *Dalt.* 165. 159. But now by the Statute of 5 *Eliz.* 4. §. 5. N. 5. The causes of putting away and departing of Servants, are referred to the consideration and allowance of the Justices of Peace; It behoveth them to have good care lest by their giving too much way therein, either to the Master or Servant, many which might by due ordering have proved good Servants, turn Rogues, and Vagabonds.

LXI. *Winch.* 25. pl. 63. An Information *Mich.* 19 *Jac.* C. B. was for that <sup>Licence,</sup> his Apprentice departed out of his Service, and the Defendant Received and Retained him without a Testimonial from the Master, *contra formam Statuti*, and so he demanded 5 *li.* The Defendant Pleaded *nil debet*, &c. and found against him, and now *Hendon* Serjeant moved in Arrest of Judgement, that an Apprentice is out of the Clause of 5 *Eliz.* 4. §. 11. N. 1. And that the same extends only to Servants, and to Laborours Retained within that Statute.

LXII. *Winch.* 26. *ibid.* *Hobard.* Ch. J. said, that it was never the intent <sup>Infant,</sup> of 5 *Eliz.* 4. §. 11. N. 1. to make an Infant who is an Apprentice to be within the danger of the same Statute, for an Infant at the Age of 14 years may be Bound to be an Apprentice, and the Punishment which is given by the same Statute, is that such person shall be whipt as a Rogue, which plainly proves the Statute intends only those who are of full Age; and if other Construction shall be made, perhaps the Son of a Gentleman may be punished as a Rogue by such departure. And he held, that if an Apprentice depart with his Masters Goods delivered to him, that he is not within 21 *H. 8.* 7. as another Servant is. *Hob.* said, that he doubted much whether an Apprentice had been within that Statute, though the *proviso* 5 *Eliz.* 4. §. 42. N. 1. had not been; But this proves that the makers of the Statute thought this to be a hard matter, to make an Infant who is an Apprentice, to be within the danger of the same Law, and for that reason the *proviso* of the Statute was made, *Winch.* said, to which *Hutton* agreed, that upon the *nil debet*, this may be moved in Arrest of Judgement if the matter be not within the Statute, & *adjudicatum Dalt.* 82. *supra*, *Hetley* 164. *supra.*

LXIII. *Dalt.* 359. cap. 121. A Warrant for a fugitive Servant <sup>Process,</sup> I. C. Miles *unus Justiciar' Dom' Regis*, &c. *Ballivis Hundred' de B. & Camb. ff.* T. H. *Constabular' de M. in Com' predict' salutem. Quia E. I. retentus in Servitio*

tio I. T. de M. predict' sibi serviend' secundum form' & effect' Statut' de servientibus edit' a Servizio predict' I. T. sine causa rationabili & licentia ipsius I. T. recessit ut dicitur, ideo ex parte Dom' Regis vobis & cuilibet vestrum precipio quod prefat' E. L. ad prefat. J. T. magistrum suum de serviend' deliberar' faciat' & si hoc recusaveris tunc eum Goale de C. &c. duci faciatis quousque, &c. ita quod eum habeatis coram me & sociis meis Justiciar' dicti Dom' Regis in Com' predict' ad proxim' sessionem pacis ibid' tenend' ad faciend' & recipiend' ea que ei tunc & ibidem in hac parte objicientur. Sigillo meo sigillat' Dat' apud, &c. West. Preced' 1 part Sect. 578.

Process.

LXIV. Dalt. 359, 360. Another Warrant for a Fugitive Servant.

To the Sheriff of, &c.

Cambr. B.

**W**Hereas I. E. being Lawfully retained in service with N. A. of, &c. is departed from his said Masters service before the end of his Term without his Masters leave or license, or without any reasonable cause, contrary to the Laws and Statutes of this Realm in that behalf provided, these are therefore in his Majesties Name, to command you and every of you, that you or some one of you do Attach the Body of the said I. E. And to bring him before me, or some other of his Majesties Justices of the Peace, &c. To find sufficient sureties, well and faithfully to serve his said Master, according to the Covenant between them made, &c. And if he shall refuse thus to do, that then you cause him to be conveyed safely to the Kings Majesties Goal, &c.

Labourers.

LXV. Crompt. 238. de Servientibus ubi requisit' fuerunt ad serviend' recusantibus, Dalt. 360. cap. 121.

Staff. B.

Will' Basset Armig' unus Justic' &c. R. L. Ballivo de S. in Com' pred' salutem. Ex parte dicti Dom' Regis tibi mando, quod Attachias R. A. de S. pred' Labourer, ita quod eum habeas coram me vel sociis meis Justic' dicti Domini Regis ad pacem in Com' pred' conservand', necnon ad diversas felonias, transgress' & alia malefacta in eodem Com' audiend' & terminand' assignat', ad proximam Generalem Sessionem pacis in Com' pred' tenend', ad respondend' tam dicto Domino Regi, quam B. C. de A. &c. Yeoman, quare ipse pred' R. A. licet in servitio congruo pro statu suo per prefat' B. C. fuit sepius requisitus ei servire, ipse tamen B. C. servire penitus recusavit, in contempt' dicti Domini Regis, & ipsius B. C. grave damnum, & contra form' Statut' de Servientibus nuper edit' & provis', & habeatis ibi tunc hoc mandatum. Teste, &c. See 5 Eliz. 4.

Departure.

LXVI. Crompt. 238. Warrant' ad capiend' Servum qui recessit ante finem termini.

Staff. B.

R. B. Armig' unus Justic', &c. Vic' Com' pred', necnon I. B. Constabular' Villæ de B. & R. N. Ballivo itineranti in eodem Com', & eorum cuilibet, salutem. Ex parte dicti Domini Regis vobis & cuilibet vestrum mando, quod attachiatis seu unus vestrum attachiat W. B. de R. pred' Labourer, ita quod eum habeatis seu unus vestrum habeat coram me & sociis meis Justiciar' dicti Domini Regis ad pacem in Com' pred' conservand' necnon, &c. assignat' ad proximum Generalem Sessionem pacis in Com' pred' tenend', ad respondend' tam dicto Domino Regi, quam R. C. de &c. Yeoman, quare in servitio ipsius R. apud T. in Com' pred' nuper retentus fuit ab eodem servitio ante finem termini inter eos concordat', sine causa rationabili & licentia ipsius R. recessit, in dicti Domini Regis nunc contemptum, & ipsius R. grave damnum, & contra form' Statut' inde nuper edit' & provis', & habeatis seu unus vestrum habeat ibi tunc hoc preceptum. Teste, &c. See 5 Eliz. 4. Dalt. 359. m. lce Dalt. 331. infra 74.

Imprisonm.

LXVII. Crompt. 238. b. Warrantia ad deliberandum servientem extra Goalam.

Staff. B.

Humfr' F. Armig' unus Justiciar', &c. custodi Goale dicti Domini Regis in Com' predict', salutem. Quia W. C. de N. Labourer, venit coram me & invenit

invenit sufficientem securitatem essendi coram me & sociis meis ad proximum Sessionem Pacis in Com' predict' tenend', ad respondendum tam dictæ Domine Regine, quam C. D. de &c. de transgressione & contemptu suis, contra formam Statuti de servientibus nuper editi & provisi. Ideo tibi ex parte dictæ Domine Regine mando, quod predict' W. C. à prisona tua si ea occasione & non alia ibidem detineatur, sine dilatione deliberari facias. Datum tali die & anno.

LXVIII. Crompt. 238. b. Præceptum versus servientem recessum de Villa Departure. ubi morabatur in hyeme.

J. C. Armig' Ballivis, &c. salutem. Ex parte dictæ Domine Regine tibi Staff. f. mando, quod attachiatis seu unus vestrum attachiat' B. C. de E. in Com' pred' Labourer, ita quod cum habeas seu unus vestrum habeat coram Justiciariis dictæ Domine Regine ad pacem in Com' predict' conservand' assignat' ad proximam Generalem Sessionem Pacis in eodem Com' tenend', ad respondend' dictæ Domine Regine, quare de Villa de M. in Com' predict' ubi in hyeme Anno regni dictæ Domine Regine nunc 26. morabatur, quamquam in eadem Villa de M. servitium competens eidem B. per quendam A. B. de M. predict' Yeoman, oblatus fuisset ad serviend' tamen extra predict' Villam de M. in estate tunc proxime sequent' recessit, in predict' Domine Reg' nunc contempt', & ipsius A. grave dampnum, & contra form' Statut' inde nuper edit' & provisi. Dat' &c. Dalt. 82. see 5 Eliz. 4. §. 23. N. 1.

LXIX. Crompt. 238, 239. Warrant' ad deliberand' Prisonar' capt' pro Imprisonm. transgr' tangent' Statutum de servient'.

H. G. Armig' unus Justiciar' Domini Regis nunc ad pacem in Com' pred' Staff. f. conservand' assignat', Vicecom' Comitatus predict' ac custodi Goale dicti Domini Regis, sive ejus locumtenenti, & eorum cuilibet, salutem. Quia S. W. de A. in Com' predict' Labourer, venit coram me & invenit sufficientem securitatem essendi coram Justiciariis dicti Domini Regis ad pacem in Com' predict' conservand', necnon ad diversas felonias, &c. in eodem Com' audiend' & terminand' assignat', ad proximam Generalem Sessionem Pacis in Com' predict' tenend', ad respondend' tam dicto Domino Regi, quam cuidam J. B. de A. Yeoman, de diversis contemptibus & transgressionibus contra form' Statut' de servient' nuper editi & provisi. Ideo vobis & cuilibet vestrum mando, quod predict' S. W. sine dilatione de custodia vestra deliberari facias, seu aliquis vestrum deliberari faciat, si ea de causa & non alia in custodia vestra detineatur. Datum &c. 10 die Aug. Anno regni, &c.

LXX. A Mittimus to the House of Correction for disorderly Servants, Process. or other Idle persons. Infra 79.

I Have sent you herewithall the Body of E. C. in the said County, being Suff. f. (an idle, dissolute and disorderly Fellow, or) one that will not keep his Service, nor follow any honest course of life: These are therefore to will and require you to receive the said E. C. and him safely to keep, until he shall be thence delivered by my self, or some other of his Majesties Justices of the Peace of this County. And in the mean time to hold him to such Works, and to give him such punishment, by putting Fetters or Givies upon him, and by moderate Whipping him, as in good discretion you shall find cause; yielding him for his maintenance only so much as he shall deserve, or earn by his labour and work; and that at the next Quarter-Sessions you have the said E. C. together with this our Warrant; and hereof fail you not at your peril. Dated, &c. See 7 Jac. 4.

LXXI. A Mittimus to the House of Correction, of a Servant departed Departure. from his Master contrary to his retainer.

Whereas I. F. of W. in the County aforesaid, Labourer, was lawfully Suff. f. retained in Service with I. D. of W. aforesaid, Yeoman, and hath



often departed from his said Service before his term expired, without his Masters leave or license, or any other reasonable cause, contrary to the Laws and Statutes of this Realm: These are therefore in his Majesties Name to will and require you, to receive and take into your custody the said *I. F.* and him safely to keep, until he shall thence be delivered by due order of Law. And in the mean time to hold him the said *I.* to such Labour and Work, and give unto him such punishment, as by the Laws are required: Giving and yielding him such and so much maintenance, as he the said *I.* shall by his labour and work deserve or earn; and that you have the said *I.* at the next Quarter-Sessions to be holden at *W.* aforesaid, together with this Warrant; unless he the said *I. F.* shall before that time, in the presence of some Justice of the Peace, find sufficient Sureties well and faithfully to serve his said Master according to his Covenants; and hereof fail you not at your peril. Given under my Hand and Seal at my house at *I.* this day of, &c.

*To the Keeper of the House of Correction of W.*

LXXII. A Warrant for a Servant which departs from his Master, contrary to his retainer.

Midd. B.

**F**Orasmuch as I am informed that *A. B.* was retained with *D.* of *C.* for divers years yet to come, as his Servant, and that contrary to his retainer the said *A. B.* is departed from his said Master, before the said term expired, contrary to the Law in that behalf: These are, &c. to require you immediately upon sight hereof, to bring before me, or some other of his Majesties Justices of the Peace of this County, the said *A. B.* to answer the premisses; unless he shall be content to serve his said Master willingly, according to his said retainer. And hereof fail you not, &c.

Deeds.

LXXIII: *Dalt.* 391. cap. 128: Indentures for Apprentices:

**T**His Indenture made the            day of            witnesseth, That *A. B.* *C. D.* and *E. F.* Overseers for the Poor in the Town of *H.* in the County of *C.* and *I. S.* Churchwardens of the same Town, by and with the consent of *I. N.* and *M. D.* Esqs; two of his Majesties Justices of the Peace for the County of, &c. have by these presents put, placed, and bound *I. H.* being a poor Fatherless and Motherless Child, as an Apprentice with *R. W.* of *H.* aforesaid, Yeoman, and as an Apprentice with him the said *R. W.* to dwell from the day of the date of these presents, until the said *I. H.* shall come to be of the Age of 24. years, according to the Statute in that behalf provided. By and during all which time and term, the said *I. H.* shall the said *R. W.* his Master well and faithfully serve, in all such lawful business as the said *I. H.* shall be put unto, according to his power, will and ability, and honestly and obedientially in all things shall behave himself towards his said Master, his Wife and Children, and orderly and honestly towards all the rest of the Family of the said *R. W.* And the said *R. W.* for his part promiseth, &c. during all the said term to find unto his said Apprentice Meat, Drink, Linen, Woollen, Hose, Shoes, and all other things needful or meet for an Apprentice, &c. In witness whereof, &c. *Lamb.* 330. *supra Dalt.* 92. cap. 40.

Justices.

LXXIV. *Dalt.* 331. cap. 117. There be sundry Precedents of Attachments made from one Justice of the Peace, against Labourers and Servants that shall refuse to serve, or that shall depart out of their Service, &c. contrary to the Statutes, (*viz.* before any Indictment) to be before the Justices at their Sessions to answer to their defaults; but these are warranted by 25 *Ed.* 3. 6. §. N. which is now repealed by 5 *Eliz.* 4. §. N. and by *Lamb.* 2. cap. 7. pag. 187. The like cannot be done unless Stat. specially require it.

LXXV.

LXXV. *Kilborns Preced.* 202. A discharge of a Servant within the time. Process,

**F**Orasmuch as it appeareth unto me, that *A. B.* was reteined by *C. D.* Kent β.  
to serve him for a term not yet expired, and the said *A. B.* without  
consent of him the said *C. D.* hath for the space of, &c. now last past, ab-  
sented himself from the said Service, and is gone into some place unto the  
said *C. D.* unknown: Therefore upon the consideration of the premisses,  
and of the Equity thereof on the part of the said *C. D.* I allow the cause and  
matter aforesaid to be reasonable and sufficient to discharge the said *C. D.*  
from any further keeping the said *A. B.* in his said Service, and do accord-  
ingly discharge the said *A. B.* from his Service aforesaid. Given under my  
Hand and Seal at *T.* the      day of, &c.

LXXVI. *Kilborns Preced.* 203. A Warrant for the paying Wages, Fees,

*To the Constable, &c. of the Hundred of A. in the said County,  
and to every of them.*

**T**Hese are in his Majesties Name to command you, that you, some or Kent β.  
one of you, do cause *A. B.* to come before me, or some other of his  
Majesties Justices of Peace of the County aforesaid, to answer unto such  
matters as shall be objected against him by *C. D.* touching his detention of  
xx s. due unto *C. D.* as he saith for Wages, and further to do and receive  
as to Justice doth appertain: unless the said *A. B.* shall forthwith pay un-  
to the said *C. D.* the Wages aforesaid, or do otherwise give satisfaction un-  
to him for the same. And you are hereby also further required, to give  
unto the said *C. D.* convenient notice of the time, places when and whither,  
and before whom you shall cause the said *A. B.* to come in Execution here-  
of, to the end that he may be also then and there present, to make appear  
his due to the Wages aforesaid. Hereof fail not, &c.

LXXVII. *West. Symb.* 2. part 96. sect. 74. An Indictment for using the Trades,  
Art of a Mercer, against 5 *Eliz.* 4. *Infra* 89.

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B.* Essex.  
*de C. in Com' E. Mercer, 20 die mensis Maii, Anno regni dicti Domini no-*  
*stri, &c. & multis aliis diebus continue post dictum diem per spacium duorum*  
*mensum ex tunc proxime sequent', viz. usque 30 diem Julii anno supradict',*  
*apud C. predict' in Com' E. predict', quandam Artem sive Mysterium (Anglice*  
*dict' Mercery) illicite pro lucro suo proprio usiavit & exercuit, tunc ibidem*  
*vendendo Merces (Anglice vocat' Mercery-wares) diversis dicti Domini*  
*Regis ligeis & subditis ubi revera idem A. B. nunquam fuit in dicta Arte*  
*sive Mysterio educatus tanquam Apprenticius per spacium septem annorum, nec*  
*idem A. B. eandem Artem sive Mysterium predict' 12 die Januarii, Anno*  
*regni Domine Elizab. nuper Angl. Reginae quinto, usiavit aut exercuerit, in*  
*magnum dicti Domini Regis nunc contempt', & contra form' cujusd' Statuti*  
*in Parliament' dict' Domine Eliz. nuper Reginae Angliae tenet' apud Westm.*  
*Anno regni sui quinto, in hoc casu provisi ac editi ut supradict'. Lamb. Preced.*  
*19. b. pl. 53.*

LXXVIII. *Kilb. Preced.* 2 Edit. 26. A Warrant against a Master for abu- Process,  
sing his Apprentice, 5 *Eliz.* 4.

*To the Constable, &c. of H. &c:*

**F**Orasmuch as Complaint hath been made unto me by *A. B.* an Appren- Kent β.  
tice, against *C. D.* his Master, both of the Parish aforesaid, that he the  
said *C. D.* doth not allow unto his said Servant competent Meat, Drink,  
and Apparel, and doth immoderately correct him without any cause at all,  
(or turneth him out of his House, and will not suffer him to return, &c.)  
These are therefore in his Majesties Name to command you, that some or  
one of you do cause both the said Parties to come before me at *H.* on  
Monday

Monday the 10. of this instant *June*, at four of the Clock in the Afternoon, to the end that I may examine the same matter. Hereof fail not, &c. Given under my Hand and Seal this 10. day of *June*, &c.

Peace.

LXXIX. *Kilb. Preced.* 2 Edit. 26. b. 27. a. A Warrant against a disorderly Apprentice, *supra* 70.

*To the Constable, &c.*

Kent. *ß.*

**F**Orasmuch as Complaint hath been made unto me by *A. B.* Joyner, against *C. D.* his Apprentice, both of your Parish of *H.* in this County, that the said *C. D.* is a stubborn and disobedient Servant, and doth very much misbehave himself towards his said Master, (or that the said *C. D.* is departed from his said Master, &c.) These are therefore in his Majesties Name to command you, that some or one of you do cause the said Parties to come before me at *H.* on Monday the 10. day of this instant *June*, at four of the Clock in the Afternoon, to the end that I may examine the same matter. Hereof fail not, &c. Given under my Hand and Seal this 10. day of, &c.

Justices.

LXXX. *Kilb. Preced.* 2 Edit. 27. A discharge of an Apprentice.

*To the Constable, &c.*

Kent. *ß.*

**W**E *R. K. H. D. E. F. G. H.* four of his Majesties Justices of the Peace, &c. for the County of *K.* aforesaid. Whereas Complaint having been made unto us by *A. B.* an Apprentice, against *C. D.* his Master, both of your Parish of *H.* within this County, that the said *C. D.* his Master hath not allowed to his said Servant competent Diet and Apparel befitting such Apprentice, and hath sometimes corrected him without any just cause at all, and when he had cause corrected him above measure; and we having ordered the said Parties to appear before us, having examined the Complaint, find it to be true; and therefore we do think fit to discharge the said Apprentice of his Apprenticeship, and therefore do by these presents under our Hands and Seals pronounce and declare, that we have for the causes aforesaid discharged the said *A. B.* the Apprentice of his Apprenticeship, the 8. day of *July*, Anno Dom. 1679. Given under our Hands and Seals, &c.

Treason.

LXXXI. *West. Symb.* 2. part 118. sect. 153. An Indictment of Petty Treason against a Servant.

Midd. *ß.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de C. in Com' predict' Grocer, nuper serviens B. D. de C. pred' in Com' pred' Grocer, 10 die Septemb. Anno regni dicti Domini nostri, &c. in domo mansionali predict' B. D. apud C. predict' in Com' predict', vi & armis, viz. gladiis, &c. ad valentiam, &c. quos idem A. B. tunc ibidem in manibus suis tenuit, in prenominationum B. D. tunc Magistrum suum tunc & ibidem in pace Dei & dictæ Domine Regine existentem, volutarie & ex malitia sua pre-cogitata insultum fecit, & eundem B. D. tunc Magistrum suum ad tunc & ibidem cum dicto gladio felonice & proditorie super caput suum fortiter & valide percussit, ita quod dicto ictu caput ipsius B. D. tunc Magistri sui, tunc & ibidem in duas partes scidit dans E. plagam mortalem unde corpus dicti B. D. immediate ibidem ad terram cecidit, & dict' B. D. instanter ibidem de plaga predict' mortuus est, & sic prefat' A. B. apud C. predict' ex malitia sua pre-cogitata eundem B. D. Magistrum suum predict' modo & forma predict' volutarie nequiter felonice & proditorie interfecit, contra pacem dicti Domini Regis nostri nunc coronam & dignitatem suas.*

*Et quod quidem I. S. de C. predict' in dicto Com' M. Grocer, ante proditio-nem predict' per prefat' A. B. sic ut presertur volutarie perpetrata & com-missam, viz. sexto die Septemb. anno supradict' eundem A. B. apud C. predict' in Com' predict' ad proditio-nem predict' in forma predict' perpetranda & com-mittenda, felonice consuluit, excitavit & procuravit, contra pacem dicti Domini Regis, ac contra coronam & dignitatem suas.*

LXXXII.



LXXXII. *Kilb. Preced.* 2 Edit. 311. A Warrant for sending a Servant to Process, his Service, &c. by 2 Justices, 1 *Quorum*.

*To the Overseers of the Poor for the Parish of A. &c.*

**F**Orasmuch as you have complained unto us, that *B. C.* being retained Kent ff. into Service by *D. E.* of *T. &c.* for one year not yet expired, is come out of her Service in the said Parish of *T.* and likely to be chargeable to the same: These are therefore in his Majesties Name to command you, and every of you, that you, some or one of you, do forthwith convey the said *B. C.* to her said Master, and deliver her unto him, to remain with him until she shall be from him lawfully discharged; and in case of refusal of the said *D. E.* to receive the said *B. C.* accordingly, that you, some or one of you, do forthwith certifie us, or one of us of the same, to the end that such other proceedings may be thereupon had as by Law is required; hereof fail not. Given under our Hands and Seals the 10. day of *July*, Anno, &c.

LXXXIII. *Kilb. Preced.* 2 Edit. 313. A Warrant to levy 40 s. on the Master, for putting away his Servant before the end of his term, 5 *Eliz.* 4. Amerciament.  
§. 5. N. 1.

*To the Constables, &c.*

**F**Orasmuch as it appeareth unto us this day upon Oath, that *A. B.* of Kent ff. your Town of *A.* Yeoman, hath put *C. D.* his Servant (lawfully retained with him) out of his Service before the end of the term agreed, contrary to the Law of this Realm: These are therefore in his Majesties Name to charge and command you, and every of you, forthwith upon the receipt hereof, that you levy the sum of 40 s. by him the said *A. B.* forfeited by the Statute for his offence, by way of distress and sale of the offenders Goods, upon his not payment thereof, rendring to the said *A. B.* the overplus, if any be; and that you bring with you the said 40 s. at the next General Quarter-Sessions of the Peace to be holden for these parts of *K.* except the said *A. B.* shall shew good cause to the contrary to his Majesties Justice of the Peace at *A.* aforesaid, upon *Thursday* next being the 12. day of this instant *Decemb.* hereof fail not at your perils. Given at the General Quarter-Sessions of the Peace at *B.* the second day of, &c.

LXXXIV. *Kilb. Preced.* 2 Edit. 315. A Warrant for relief of a Man- Poor. Servant that is out of Service, 43 *Eliz.* 2.

*To the Constables, &c.*

**F**Orasmuch as Complaint is made unto me by *A. B.* that he being law- Kent ff. fully retained in the Service of *C. D.* of your Town of *E.* Yeoman, at *Lady-day* was twelvemonth, and being discharged his Service at *Lady-day* last, hath been at the Statute-Sessions, (*supra* 30.) and cannot find himself a Service, and being destitute of means whereby to relieve himself; These are therefore in his Majesties Name streightly to charge and command you, and every of you, that presently upon the receipt hereof you do receive the said *A. B.* into your Town, and see him set on work and provided for according to the Statute in that case made and provided. Hereof fail not, &c.

LXXXV. *West. Symb.* 2 part 130. sect. 205. An Indictment against a Ser- Coron. vant stealing 10 l. &c. *Lamb. Preced.* 10. pl. 28. see 21 H. 8. cap. 7. & 5 *Eliz.* cap. 10.

*Juratores pro Domino Rege super sacramentum suum presentant, quod cum* Essex ff.  
*A. B. de C. in Com' E. predict' Mercer, 20 die Sept. Anno regni, &c. in domo mansionali ipsius A. B. apud C. predict' in Com' E. predict' deliberasset cuidem E. F. de C. predict' in dicto Comitatu E. Mercer, tunc servienti ipsius A. B. pro uno anno integro retento, ac etatis novemdecim annorum existenti, decem libras*  
*in*

in pecuniis numeratis de bonis ipsius A. B. ea intentione ut idem E. F. eosdem salvo custodiret ad usum predicti A. B. tunc Magistri sui, idem E. F. dicto 20 die Sept. Anno supradicto (Apprenticius dicti A. B. tunc non existent) apud C. predicti in Com' E. predicti à dicto Magistro una cum predicti 10 libris dicti A. B. tunc Magistri sui maliciose & felonice discessit, abiit & aufugit, ea intentione ad furand' dicti 10 libras, contra fiduciam in eo per prefat' A. B. tunc Magistrum suum reposit' & collocat', & ad inde dicum A. B. Magistrum suum predicti defraudand', contra pacem dicti Domini Regis nunc, ac contra form' diversorum Statutorum hujus regni Angl. in hujusmodi casu provisorum & editorum.

Indictment.

LXXXVI. West. Symb. 2 part 130. b. sect. 207. An Indictment upon 21 H. 8. cap. 7. &c. 5 Eliz. cap. 10. supra 32.

Midd. ff.

Juratores pro Domino Rege super sacramentum suum presentant, quod cum per quendam Actum in Parliament' Domini Henrici nuper Regis Angliæ 8. apud Westm. in Com' Middlesex, Anno regni sui 21. tent' edit' per dictum Dominum Regem, cum assensu Dominorum Spiritualium & Temporalium, ac Communitatis in eodem Parliament' congregat', necnon autoritate ejusd' inter alia ad tunc ibidem inactitat' existit, quod si aliquis servus cui ejusdem Magister vel Magistra liberat' aliqua bona valoris 40 s. custodiend' discessere cum bonis illis cum intentione ad furand' vel retrahend' eadem foret feloniam prout per eundem Actum plene liquet.

Qui quidem Actus postea per quendam alium Actum in Parliament' Domina Mariæ nuper Reginæ Angl. apud Westm. predict' Anno regni sui primo tent' edit' fuit repellat' & annihilat'.

Ac postea per quendam alium Actum in Parliament' Domina Elizab' nuper Reginæ Angl. apud Westm. predict' Anno regni sui 5. tent' edit' revivat' & adhuc in vigore existit.

Ac etiam cum C. P. Armig' secundo die Sept. Anno regni Domini Regis nunc, &c. apud G. in Com' M. predict' liberasset I. G. nuper de E. in Com' M. predict' Husbandman, (ad tunc servienti suo & non Apprenticio existent', & ultra etat' 18. annorum) quoddam Brachiale Auri, Anglice a Bracelet of Gold, valoris 18 l. &c. de bonis & catallis predict' C. pro eodem C. salvo custodiend', predictus tamen I. G. Statut' predict' minime ponderans, nec penam in eodem content' verens apud G. predict' in dicto Com' M. eodem 2. die Sept. Anno, &c. supradict' à prefato C. ad tunc Magistro suo seipsum retraxit & cum Brachiale predict' felonice discessit, ea intentione ad furand' Brachiale predict' ad defraudand' predict' C. Magistrum suum de Brachiali predict' contra fiduciam & confidentiam eodem l. per predict' C. Magistrum suum reposit', ac contra form' Statuti predicti inter ceteros Articulos quorum, &c. Crompt. J. P. 267. pl. 105.

Trades.

LXXXVII. West. Symb. 2 part 136. sect. 231. An Indictment for using more Arts than one, on 37 Ed. 3. cap. 6. Quare if repealed by 5 Eliz. 4. §. 2. N. 1. Pract. Preced. 60.

Norff. ff.

Inquiratur pro Domino Rege (quod cum in Statut' in Parliament' Domini Edwardi nuprr Regis Angl. 3. post conquestum, Anno regni sui 37. tent') inter cetera ordinat' sit & statut', quod Artificiarii & Gentes occupationem habentes, & quilibet eorum ad suam Artem seu occupationem se teneat, & quod nullus exerceat aliam Artem seu occupationem nisi tantum eam quam elegit, & si aliquis in contrarium fecerit per Imprisonament' corporis sui per spacium dimid' anni puniatur, & ulterius finem & redemptionem Domino Regi faciat, prout in eodem Statut' plenius continetur.

Or thus Si A. B. de C. in Com' N. Baker, alias dict' A. B. in Com' N. predict' Milner, Statut' predict' minime ponderans, nec penam in eodem Statut' content' verens, à secundo die Julii Anno regni, &c. usque quartum diem Aprilis Anno, &c. tam Artem Molendinarii quam Artis Pistoris Panis humani apud C. predict' continue exercebat, in dicti Domini Regis contempti, & contra form' Statut' predict'.

LXXXVIII.

LXXXVIII. *West. Symb.* 2 part 140 b. sect. 251. An Indictment on 5 *Eliz.* Trades.  
4 §. 31. N. for using Trade not being Apprentice.

*Juratores pro Domino Rege super sacramentum suum presentant, quod cum* Effex β.  
*in Parliament Domine Eliz. nuper Regine Angl. tenet apud Westm. in Com'*  
*Midd. 8 die Maii Anno regni sui 5. inter alia stabilita fuit, quod post pri-*  
*imum diem Maii tunc proximum sequentem non liceat alicui personae sive personis*  
*erigere, occupare, uti vel exercere aliquam Artem, Mysterium sive occupationem*  
*ad tunc usitatam vel occupatam infra regnum Angliæ vel Walliæ, si non educat in*  
*eadem tanquam Apprenticium per spacium septem annorum ad minus, nec alicui*  
*personae opus tradere in huiusmodi Mysterio, Arte sive occupatione, si non*  
*eadem persona fuit Apprenticius aut tunc fuit exercit in Mysterio predicto tan-*  
*quam Apprenticius ut predictum est, sub pena quod quilibet persona voluntarie*  
*offendens vel contrarium faciens, forisfaciat pro qualibet tali defalt 40 s. pro*  
*quolibet mense, prout in Statut predicto plenius liquet & apparet.*

*Quidam tamen I. S. Statut predictum ac penam in eodem contentam minime*  
*verens sive ponderans, non existens Apprenticius per spacium septem annorum,*  
*nec exercit in Arte de, &c. 1 die Julii Anno, &c. & continue usque diem captio-*  
*nis huius Inquisitionis, scil. per quatuor menses apud A. in Com' E. predictum occu-*  
*pavit & exercuit Artem, Mysterium sive occupationem de, &c. in dicti Domini*  
*Regis contemptum, & contra formam Statuti predicti.*

LXXXIX. *West. Symb.* 2 part 143. sect. 269. An Indictment for procuring Departure  
from a Servant to depart, *Prac. Preced.* 63.

*Juratores pro Domino Rege super sacramentum suum presentant, quod W. M.* Effex β.  
*de N. in Com' E. Yeoman, die, anno & loco, &c. procuravit & exhortavit*  
*I. C. servientem R. S. in servitio suo ibidem existentem abire ab eodem servitio,*  
*cujus quidem procuratoris pretextu idem I. C. a servitio R. S. tunc & ibidem*  
*recessit, & quod idem W. M. est communis procurator servientium diversorum*  
*ligerum Domini Regis, ita quod ligei Domini Regis de ejusmodi servientibus*  
*ad negotia sua perimplendum multipliciter gravati existunt, in dicti Domini*  
*Regis contemptum, & quamplurimum ligerum Domini Regis deteriorationem*  
*manifestam.*

Arraignment, see Coron.

Arrest, see Imprisonment & Process.

Archery, see Games & War.

Armour & Arms, see War.

Artificer, see Apprentice.

Affault, see Affray.

Assemblies, see Riot.

Affize, see Measures.

Assistance, see Force.

Attachment, see Imprisonment.

## Attainder.

Conviction, Judgment.

I. **D** *Alt.* 293. cap. 110. By 1 *Rich.* 3. 3. §. 1. N. 4. no Sheriff, Under-Seizure.  
Sheriff nor Escheator, Bailiff of Franchise, nor any other person,  
take or seize the Goods of any person Arrested or Imprisoned for suspicion  
of Felony, before, &c. he be convicted or attainted of such Felony accord-  
ing to the Law, or else the same Goods otherwise lawfully forfeited :  
which seemeth to be but a confirmation of the Common Law, saith  
Mr. *Stamford*, 193. since that it giveth the party grieved a more ample re-  
compence, &c. *Poult. de Pace*, 234.



Process.

II. *Dalt.* 294. cap. 110. and by divers Statutes you shall find, that an offender may be convicted out of Court, either upon view of the Record of the Justices of Peace, or by confession of the offender, or upon examination of witnesses before one or two Justices of the Peace. *Dalt.* cap. 66.

Records.

III. By 34 & 35 *H. 8.* 14. §. 2. N. 1. the Clerks of the Crown, Clerks of the Peace, and Clerks of Assize, where any such Attainder, &c. (*viz.* of Felony, &c.) shall be had, shall, &c. not only certify a transcript briefly and in few words, containing the tenor and effect of every such, &c. conviction and Clerk attainted before them, so to be had, &c. *viz.* the Name, Surname, and addition of every person so, &c. convicted, or Clerk attainted, &c. shall be made and done before the King in his Bench at *Westminster*, in the County of *Middlesex*, there to remain of Record for ever, &c. but shall also deliver a transcript, &c. to the Ordinary, &c.

Accessory.

IV. 9 *Co.* 119. in *Sur Zanchars* Ca. these word, *while the Appellee is attaint*, in 3 *Ed. 1. W. 1.* cap. 14. §. 1. N. 2. (*viz.* that appeal shall not be intermit against the Accessory) is intend of all manner of Attainders at the Kings Suit, or of the party, and upon appearance and default; and in the same Act after provision is made for the Appeal of the party, which proves it shall be taken in that several sense.

Authority, see *Jurisdiction.*

### Averment.

*Suggestion, Proof, Action.*

Chancery.

I. *L Amb.* 4. cap. 6. pag. 501. Albeit the Chancery will sometimes both take knowledge, and also award Process upon an Information by word, in the behalf of the Prince, 1 *Ed. 5.* 6. & 39 *H. 6.* 41. *surmise Br.* 3. yet I think that before Justices of Peace these Suggestions and Informations both, be they by word or writing, are but of the force to stir up the Justices to recommend the Cause to the Enquest, and not to award any Process upon them, unless it be in certain Cases where that validity is specially given them by the Statutes.

### Bail.

*Recognizance, Bailment, Surety, Caution, Mainprise, Pledges, Replevin, Imprisonment, Hab. Corp.*

Replevin.

I. 3 *Ed. 1. W. 1.* cap. 15. §. 1. N. 2. And forasmuch as before this time it was not determined which persons were Repleviable, and which not, but only those that were taken for the death of man, or by commandment of the King, or of his Justices, or for the Forest.

Ability.

II. 3 *Ed. 1. W. 1.* cap. 15. §. 1. N. 3. It is provided, &c. that such Prisoners as before were Outlawed, and they which have abjured the Realm, Provers, and such as be taken with the Mannor, and those which have broken the Kings Prison, Thieves openly defamed and known, and such as be appealed by Provers, so long as the Provers be living, if they be not of good name; and such as be taken for House-burning feloniously done, or for false Money, or for counterfeiting the Kings Seal, or persons Excommunicate taken at the request of the Bishop, or for manifest offences, or for Treason touching the King himself, shall be in no wise Repleviable by the common Writ, nor without Writ.

III.

III. By 27 *Ed. 1.* 3. §. 1. N. 4. (For the more assured conservation of the Peace, &c. that Justices assigned in every County to take Assizes, where they do take Assizes, as they be appointed incontinent after the Assizes, &c.) shall enquire if Sheriffs or any other have let out by Replevin, Prisoners not Repleviable, or offended against 3 *Ed. 1.* 15. &c. Sheriffs.

IV. 18 *Ed. 2.* pag. 84. §. 32. N. 1. The Frankpledge shall enquire of Leet. persons Imprisoned, and let go without Mainprise.

V. 23 *H. 6.* 10. §. 1. N. 6. (*viz.* Sheriffs, &c. shall on oblig' deliver all persons imprisoned, &c.) such, &c. which be or shall be in their ward by Condemnation, Execution, *Capias Vilagatum* or *Excommunicatum*, Surety of the Peace, and all such persons which be or shall be committed to ward by special commandment of any Justices, and Vagabonds refusing to serve according to the form of the Statute of Labourers, (*viz.* 23 *Ed. 3.* 2. &c.) only excepted, 4 *Ed. 3.* 2. §. 1. N. 4. Imprisonm.

VI. 1 *Rich. 3.* 3. §. 1. N. 2. That every Justice of Peace in every Shire, City or Town, shall have Authority by his or their discretion, to let such Prisoners and persons so arrested (*viz.* on suspicion of Felony) to Bail or Mainprise, in like form as though the same Prisoners or persons were Indicted thereof of Record, before the same Justices in their Sessions, 34 *Ed. 3.* 1. §. 1. N. 6. 3 *H. 7.* 3. §. 1. N. 7. Justices.

VII. 1 *R. 3.* 3. §. 1. N. 3. And that Justices of Peace have authority to enquire in their Sessions, of all manner Escapes of every person arrested and imprisoned for Felony. Escape.

VIII. 3 *H. 7.* 3. §. 1. N. 3. That the Justices of Peace in every Shire, City and Town, or two of them at the least, whereof one to be of the *Quorum*, have authority and power to let any such Prisoners, or persons Mainprisable by the Law, that have been imprisoned within their several Counties, City or Town, to Bail or Mainprise unto their next General Sessions, or unto the next Goal-delivery of the same Goals in every Shire, City or Town, as well within Franchise as without, where any Goals been or hereafter shall be. Justices.

IX. 3 *H. 7.* 3. §. 1. N. 4. And that the said Justices of the Peace, or one of them, so taking any such Bail or Mainprise, do certify the same at the next General Sessions of the Peace, or the next General Goal-delivery of any such Goal within every such County, City or Town, next following after any such Bail or Mainprise so taken, on pain of 10 *l.* for every default recorded, 1 & 2 *Phil. & Mar.* 13. §. 3. N. 2. Certificate.

X. 3 *H. 7.* 3. §. 1. N. 7. And that the aforesaid Act (*viz.* 1 *R. 3.* 3. §. 1. N. 2.) giving authority and power in the premises to any Justice of the Peace by himself, be in that behalf utterly void and of none effect, &c. Justices.

XI. 1 & 2 *Phil. & Mar.* 13. §. 2. N. 1. That, &c. no Justice or Justices of the Peace shall let to Bail or Mainprise, any such person or persons which for any offence, &c. be declared not to be replevied or bailed, or be forbidden to be replevied or bailed, by 3 *Ed. 1.* *W. 1.* cap. 15. Ability.

XII. 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1. And furthermore that any, &c. arrested for Man-slaughter or Felony, or suspicion, &c. being bailable by the Law, shall not, &c. be let to Bail or Mainprise by any Justices of Peace, if it be not in open Sessions, except it be by two Justices of the Peace at the least, whereof one to be of the *Quorum*, and the same Justices to be present together at the time of the said Bailment or Mainprise, *Lamb.* 339. *Crompt.* 156 b. 157. *infra.* Justices.

XIII. 1 & 2 *Phil. & Mar.* 13. §. 3. N. 2. Which Bailment or Mainprise they shall certify in writing, subscribed or signed with their own hands, at the next general Goal-delivery to be holden within the County where the said person, &c. shall be arrested or suspected, 3 *H. 7.* 3. §. 1. N. 4. Certificate.

- Examination. XIV. 1 & 2 *Phil. & Mar.* 13. §. 4. N. 1. And that the said Justices, or one of them being of the *Quorum*, when any such Prisoner is brought before them for any Man-slaughter or Felony, before any Bailment or Mainprife, shall take the Examination of the said Prisoner, and Information of them that bring him, of the Fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in writing, before they make the same Bailment.
- Certificate. XV. 1 & 2 *Phil. & Mar.* 13. §. 4. N. 2. Which said Examination, together with the said Bailment, the said Justices shall certify at the next general Goal-delivery to be holden within the limits of their Commission.
- London.* XVI. 1 & 2 *Phil. & Mar.* 13. §. 6. N. 1. Provided, &c. and be it further Enacted, &c. that Justices of Peace and Coroners within the City of *London*, and County of *Middlesex*, and in other Cities, Boroughs, and Towns Corporate within this Realm and *Wales*, shall within their several Jurisdictions have authority to let to Bail Felons and Prisoners, in such manner and form as they have been heretofore accustomed, this Act, &c. notwithstanding.
- Justices. XVII. *Lamb.* 3. cap. 2. pag. 338, 339. It seemeth that Justices of the Peace might (after the Statute 34 *Ed.* 3. 1. §. 1. N. 6. that made them compleat Judges) have letten to Bail such persons as were Indicted of Felony before them in their Sessions, even as the Justices of the *Kings Bench* used to do; but not such as were arrested for suspicion of Felony, and not Indicted thereof before them, because before the Indictment they were no Judges over them: and for help herein 1 *R.* 3. 3. §. 1. N. 2. was ordained, but that Law begat some inconvenience, and therefore it was soon after repealed by 3 *H.* 7. 3. §. 1. N. 7. And here again there sprung up another inconvenience, for then Justices of Peace would not stick to borrow one anothers Name, (as many yet still do) and by that means defraud the good meaning of the Statute; whereupon it was lastly provided against by 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1. *Crompt.* 156 b. 157 a. *infra* 33.
- Imprisonm. XVIII. *Lamb.* 340. recited 1 & 2 *Phil. & Mar.* 13. Because it both comprehendeth some such other things as must concur with the Bailment of the Prisoner, and also provoketh to set down what persons areailable, &c.
- Justices. XIX. *Lamb.* 342. Both these last Statutes (3 *Ed.* 1. *W.* 1. cap. 15. & 23 *H.* 6. cap. 10.) as appeareth were at the first made to give a Rule unto Sheriffs and other Officers, as well for the letting to Bail, as for the retaining of their Prisoners: but as 3 *Ed.* 1. 15. is by the expresse letter of 1 & 2 *Phil. & Mar.* 13. §. 2. N. 1. set forth as a Line whereby the Justices of Peace are to guide themselves, so it seemeth to me that they ought to have an eye to the other Statute also, (*viz.* 23 *H.* 6. 10. §. 1. N. 6.) forasmuch as certain other persons be therein also mentioned not to beailable by Law, and so within the reach of the very words of 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1.
- Coron. XX. *Lamb.* 342. That 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1. seemeth to distinguish these words, *death of a man*, in 3 *Ed.* 1. 15. §. 1. N. 2. and in this place to restrain them to Murder only; saving that 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1. admitteth that for some death or Man-slaughter, the slayer may be lawfully Bailed; which also is the common practice in that behalf.
- Days. XXI. *Lamb.* 342. *ibid.* We learn also that he which within the year is acquitted of Murder or Man-slaughter at the Kings Suit, must be remitted to Prison, or let to Mainprife till the end of the year, and the party grieved may in the mean time commence his Appeal, 3 *H.* 7. 1. §. 1. N. 15.
- Indictment. XXII. *Lamb.* 3. cap. 2. pag. 343. It seemeth moreover that he which is Indicted of Felony, is notailable, 41 *Aff.* 30. nor he which confesseth the



the Felony whereof he is accused; for the Statute 3 *Ed. 1.* 15. §. 1. N. 4. meaneth to exclude the one, when it saith, that he which is Indicted of Petty-Larceny may be Bailed; the other, 3 *Ed. 1.* 15. §. 1. N. 3. when it denieth Bail to a Prover, who must begin with confession of his own fault, before he may be admitted to burthen another man.

XXIII. *Lamb.* 343. *ibid.* And if a man be taken upon Process of Rebellion issuing out of the Chancery or Star-Chamber, those Justices of Peace may well be thought void of discretion, that shall take upon them to Bail him, 23 *H. 6.* 10. §. 1. N. 6. *Crompt.* 152 *b.* §. 2. *Dalt.* 312. Process.

XXIV. *Lamb.* 343. *ibid.* Further me thinketh that I may set down this Ability, as a Rule, even at the Common Law, concerning Bailments, That the Justices of Peace cannot meddle with the Bailment of any Prisoner, except he be Prisoner for such a cause whereof the Justices of Peace be competent Judges; which also was the cause that one Justice of the Peace could not by force of the Commission only, have bail'd suspects of Felony, before that they were Indict thereof, &c. for out of Sessions and before Indictment they were no Judges of such a matter.

XXV. *Lamb.* 343, 344. And on the other side it seemeth, that two Justices of the Peace, the one of them being of the *Quorum*, may out of the Sessions Bail such as come into Prison by the Process of the Sessions, made upon penal Laws not forbidding Bail; because two such Justices be competent Judges of all those matters, inasmuch as they may hear and determine them. Justices.

XXVI. *Lamb.* 344. This I will say for all, that it becometh Justices of the Peace to be very circumspect in granting Bail, both for fear of wrong by denying it to him that is Replevisable, and for fear of danger to the Service it self, by giving it where it is not grantable: and therefore I advise them to consider first, whether the power of Bail, when it is required, be not taken from them by some of those former Statutes recited; and then whether that particular Statute it self, against which the Prisoner is charged to offend, do not specially prohibit the Bail. Imprisonm.

XXVII. *Crompt.* 152 *b.* §. 3. *Nota*, in all cases where the Statute speaks that a man shall be imprisoned at the Kings will, the Prisoner cannot be enlarged or let to Mainprise, until the King sends his pleasure concerning him, *Stamf.* 77. who voucheth 24 *Ed. 3.* 33. the Case of one *Forget*, who went Arm'd in the Palace at *Westm.* against 2 *Ed. 3.* 4. Prerogative.

XXVIII. *Crompt.* 157 *a.* *b.* He that is taken by commandment of the Kings Justices, shall not be put to Mainprise by 3 *Ed. 1.* 15. §. 1. N. 2. and this is intend by their absolute commandment, as if he commands one to Prison without shewing cause why he so commanded him, either for a misdemeanour done before him, or for such a thing that lyeth in discretion of the Justice, more then in his ordinary power, *Stamf.* 72 *b.* 73 *a.* Justices.

XXIX. *Crompt.* 160. §. 30. When a Statute saith the offender shall be Fined at the Kings will, this is to be intended that the Justices before whom the offence is examined, shall assess the Fine by their discretions; for the King speaks and shews his pleasure by the mouth of his Justices. Amerciament.

XXX. *Crompt.* 153. §. 8. If Error appears of Record before Justices of the Peace, in a thing for which a man is in Execution before them, they ought to let him by Mainprise to sue a Writ of Error in another Court: as where a man is in Execution upon an erroneous Recovery apparent of Record in *Banco*, they ought to let him to Mainprise to sue a Writ of Error in *B. R.* but not for Error in fact, 33 *H. 6.* 22. Error.

XXXI. *Crompt.* 153. §. 10. Though the Justice of Peace commits one to the Goal for certain causes shewed in the *Mittimus* without Bail or Mainprise, yet he may be bail'd, if he be bailable: But if he be committed without Bail or Mainprise, and without shewing cause why he is committed in the Imprisonm.

the *Mittimus*, then another Justice of Peace doth not do well to Bail him, without making him that committed him privy; for he may be committed for cause that is notailable.

Process.

XXXII. *Crompt.* 153. §. 11. The Justice of Peace who commits any to the Goal by reason of his Office, ought to shew the cause in his *Mittimus*, to the intent that it may appear whether he beailable or not.

Examination.

XXXIII. *Crompt.* 156 b. 157 a. *Nota*, that when he that is taken for Felony, shall be bail'd by the Justices of Peace before commitment, he must be examin'd and bail'd by two Justices of the Peace, who shall be together at the time of the Examination and Bailment, 1 & 2 *Phil. & Mar.* 13. §. 3. N. 1. and *Lamb.* 339. *supra* 17. but where he is examined and committed, he may be Bail'd by one Justice: *Hoc Nota.* See 2 & 3 *Phil. & Mar.* 10. §. 2. N. 2.

Forfeiture.

XXXIV. *Pasch.* 21 H. 7: 20 b. pl. 3. in Mainprise, *Br.* 44. *Nota per Fincux* Ch. J. that wherever any one is Bail'd for suspicion of Felony until a certain day, and this on pain to forfeit a certain sum of money, at which day the party suspected cometh not, in this case the party suspected shall forfeit a hundred shillings; and if he were Indict of Felony, and so Bail'd unto a certain day wherein he appears not, he shall forfeit ten pounds to our Lord the King, *quod Nota.* And note, that the pledges themselves who so Bail'd him, are obliged for his appearance, *viz. corpus pro corpore*, and besides that in a certain sum of money to be forfeited to the King, unless he appear: but where a man comes in, *viz. by Cepi corpus* in a Writ of Trespass, and is Bail'd, his pledges are bound *corpus pro corpore* without any other sum; and in that case if he for whose appearance by a day they are obliged by Recognizance, do not come at the day limited, then the pledges at the discretion of the Judges shall be amerced; so note the diversity, &c. *Crompt.* 157.

Process.

XXXV. *Crompt.* 153. §. 13. The Justices of Peace may discharge Mainperners on their prayer, and commit the party to prison.

Imprisonm.

XXXVI. *Crompt.* 157. A man is Bail for one suspected of Felony in 40 l. to appear at the Assizes, and after he fears that the other will flee away; it seemeth that he may take him and bring him before the Justice, and thereupon he may commit him to the Goal, if he doth not find other Sureties to appear, and thereupon he may be discharg'd of his Recognizance that first Bail'd him, 50 *Ed.* 3. 11. & 5 *Ed.* 4. 31. N. B. B. 117. *Dalt.* 306. cap. 114.

Justices.

XXXVII. *Dalt.* 307. cap. 114. So if a Prisoner be Bail'd by insufficient persons, the Justices of Peace *ex officio* may cause him to find better Sureties, and may commit him as it seemeth till he shall so do; for 3 *Ed.* 1. W. 1. cap. 15. requireth that such as be Bailed, be let out by sufficient Surety. Mainprise *Br.* 2. Pledges *Br.* 1. & 10. *Co.* 101. *Dalt.* 174. cap. 70.

Ability.

XXXVIII. *Dalt.* 306, 307. And therefore, although the number of such Sureties, their sufficiency, and the sum wherein they shall be bound, resteth in some sort in the discretion of the Justice; yet it is safe for them to take Sureties at the least, and those to be Subsidy-men, and to be bound in good sums, especially if the Prisoner be in for Felony, or suspicion thereof; for the more, and the more able the Sureties are, the rather they will cause him that is bailed to appear. And again, for want of taking sufficient Bail, the Justices of Peace are finable. And at *Cambridge* Assizes, *Anno* 1613. Judge *Warberton* threatened to have set 40 l. Fine upon two Justices of Peace who had bailed a Prisoner that was committed for suspicion of Felony, and appeared not, for that the Sureties were not Subsidy-men. *Quere*, If the Justices of Peace may not examine upon their Oaths the Sureties, concerning their sufficiency, or whether they be Subsidy-men?

Escape.

XXXIX. *Dalt.* 275. cap. 106. If the Justice of Peace, &c. shall bail one who

who is not bailable, this is an escape. *Fitz.* 4. *Coron* 246. (*viz.* a negligent escape.) If it be in ignorance, *Cromp.* 39. §. 7.

XL. *Dalt.* 306. cap. 114. If any Justices of Peace do let to Bail or Mainprise any person who, for any Offence by him committed, is declared not to be bailable, or forbidden to be bailed, by 3 *Ed.* 1. 15. the said Justices of Peace so offending shall pay such Fines as shall be assessed by the Justices of Gaol-delivery where the Offence shall be committed. *Query*, If the Bond be void, as 37 *H.* 6. 1. *per Moyl.*

XLI. *Dalt.* 307. cap. 114. I have seen a Report of a Case, *Trin.* 37 *Eliz.* That upon an Assembly of all the Judges and Barons at *Serjeant-Inn*, it was resolved and agreed by them to be put in ure in their Circuits, That if a Justice of Peace should commit a man to the Gaol for Felony, for which by Law he is not bailable, but by his *Mittimus* he commits him generally, not shewing any cause; If other Justices of the Peace shall bail him, not knowing of the matter, &c. they shall be fined for the same; for they at their perils ought to inform themselves of the matter before they bail him.

XLII. *Dalt.* 310. cap. 114. If a Prisoner, after he hath pleaded not Guilty, be attaint by Verdict that he killed a man *se defendendo*, or by misfortune, yet he shall not be bailed by the Justice of Peace. *Quere*, *Stamf.* 74. *Coron* 297, 354.

XLIII. *Dalt.* 311. If a man be Accessary to two, and the one Principal is attainted, though the other be not, yet the Accessary shall not be bailed, *Stamf.* 71. *Coron* 200.

XLIV. *Dalt.* 311. cap. 114. If any person be committed to Prison by Process from the Sessions made upon an Indictment upon any penal Statute not prohibiting Bail, he may be bailed out of the Sessions by two Justices of the Peace, one being of the *Quorum*; or he may have a Warrant out of the Chancery, directed to the Justices of the Peace, or to the Sheriff, to take Surety of him for his appearance before the Justices at their Sessions, &c. or he may have a *Certiorari* to remove the Record in *B. R.* and a *Habeas Corpus* to remove the Body thither also. *F. N. B.* 250, 251.

XLV. *Lamb.* 347. That persons are not bailable on 5 *Rich.* 2. 2. §. 1. N. 10. commit for a whole year without Redemption for transporting Gold or Silver without License.

2 *H.* 5. 8. §. 2. N. 2. Rioters attainted of great and hainous Riots shall have one whole years Imprisonment at least, without being let out of Prison by Bail, Mainprise, or in any manner, during the year.

9 *H.* 5. 8. 2. cap. 8. §. 1. N. 2. And Justices may hold falsifiers of Weights in Prison without Mainprise, till they be acquit or attaint.

8 *H.* 6. 4. §. 1. N. 11 Wearing Liveries for maintenance shall have a whole years Imprisonment, without being let to Bail or Mainprise.

22 *H.* 8. 5. §. 4. N. 8. Collector for Bridges refusing to accompt at Ways Session, to be committed without Bail or Mainprise, till account made.

23 *H.* 8. 2. §. 2. N. 7. upon appearance of Collectors for Goods, six Justices to commit without Bail or Mainprise, till Account and Payment, &c.

27 *H.* 8. 20. §. 1. N. 6. Two Justices of the Peace, *Quorum unus*, may commit without Bail or Mainprise, till sufficient Surety by Recognizance, &c. to pay Tythes, &c.

32 *H.* 8. 7. §. 4. N. 1. Two Justices, *Quorum unus*, on Information of Ordinary, &c. to commit to next Gaol till Sureties, by Recognizance, or otherwise, before the same Justices, to obey Sentence of Ordinary for Tythes, &c.

33 *H.* 8. 9. §. 9. N. 2. Alien Exporting long Bowes, &c. Imprison without Bail or Mainprise, until Fine before two Justices in their Sessions.

2 & 3 *Ed.* 6. 2. §. 3. N. 1. Souldier selling or putting away Horse or Harness,



- Harnes, Imprisonment without Bail or Mainprife, until satisfaction to the Owner.
- Ale. 5 & 6 Ed. 6. 25. §. 4. N. 1. Seller of Ale without License, commit by two Justices, *Quorum unus*, without Bail or Mainprife, for three days.
- Market Overt. Cap. 14. §. 4. N. 1. Forestaller, &c. convict, for the first Offence Imprison two months, without Bail or Mainprife.
- Riot. 1 Mar. 1 St. 2. cap. 12. §. 5. N. 1. Above two unlawfully assembled to throw down Pales, Hedges, &c. Imprison a year without Bail or Mainprife.
- Coron. 1 & 2 Ph. & Mar. 5. §. 4. N. 1. Transporting Corn without license Imprison a whole year without Bail or Mainprife.
- War. 4 & 5 Ph. & Mar. 3. §. 5. N. 3. Justices before whom party is convict for false Musters, &c. Imprison without Bail or Mainprife, until payment of the Forfeiture.
- Religion. 1 Mar. 1 St. 2. cap. 2. §. 6. N. 3. Not recanting at next Sessions disturbance of Preacher, &c. commit without Bail or Mainprife, till reconcile.
- Religion. 1 Eliz. 2. §. 4. N. 6. Depraver of *Common Prayer*, Imprison for six months without Bail or Mainprife.
- Fees. 5 Eliz. 4. §. 9. N. 1. Taking Wages contrary to Stat. imprison twenty days without Bail or Mainprife.
- Fish. Cap. 5. Eating Flesh on Fish-days, forfeit 3 *l.* or close imprisonment three months without Bail or Mainprife.
- Forgery. Cap. 14. §. 3. N. 7. Imprisonment a year, &c. without Bail or Mainprife for Forgery.
- Conjurat. Cap. 15. §. 2. N. 3. Convicted for false Prophecies, imprison a year without Bail or Mainprife.
- Forrest. Cap. 21 §. 2. N. 6. After three months imprison for taking Deer, Fish, or Hawks, imprison without Bail or Mainprife until Sureties of Good behaviour 7 years, and never to offend again.
- Cattle. 8 Eliz. 3. §. 2. N. 1. Transporting Sheep, imprison one year without Bail or Mainprife.
- Purveyance. 13 Eliz. 21. §. 1. N. 9. Imprisonment of Purveyor within five miles of University, as 2 & 3 Phil. & Mar. 15. §. 2. N. 3. viz. for three months without Bail or Mainprife.
- Bastardy. 18 Eliz. 3. §. 2. N. 5. Reputed Father or Mother of Bastard, perform not order of Justices, &c. to be commit without Bail or Mainprife; except he or she put in sufficient Surety to appear next Sessions, &c.
- Schools. 23 Eliz. 1. §. 7. N. 2. Schoolmaster without License, imprison one year without Bail or Mainprife.
- Religion. 35 Eliz. 1. §. 1. N. 4. Present or joyning in Conventicle, &c. convicted, commit without Bail or Mainprife until Conformity.
- Drapery. 39 Eliz. 11. §. 2. N. 3. Refusing to be bound to Sessions to discover Logwood, to be commit to the next Goal till bound with Sureties, &c.
- War. Cap. 16. §. 1. N. 3. Disobeying Justices order of suppressing Musters, commit without Bail or Mainprife for three days, and till Recogn. of 40 *l.* to perform order.
- Poor. 43 Eliz. 2. §. 4. N. 2. For want of distress, commit by two Justices without Bail or Mainprife, until payment of Tax to the Poor.
- Fowl. 1 Jac. 27. §. 2. N. 4. Unlawful destroyer of Pheasant, Hares, &c. Partridge, Pidgeon, &c. committed for three months without Bail or Mainprife, unless offender pay 20 *s.* &c.
- Poor. Cap. 31 §. 3. N. 1. On default of Goods, to be commit without Bail or Mainprife until satisfaction of Tax to Poor inflicted.
- Oath. 3 Jac. 4. §. 14. N. 2. Two Justices on refusal of Oath of Allegiance, may commit without Bail or Mainprife until the next Assize or Quarter-Sessions.

Cap;

Cap. 21. §. 2. N. 3. Unlawful hunting Deer, or stealing Conies, unless Sureties of Good behaviour for seven years be found, to continue in prison without Bail or Mainprise until finding, &c. Forest.

7 Jac. 11. §. 8. N. 4. Unlawful taker of Partridge, &c. with Nets, &c. Fowl. imprison three months without Bail or Mainprise, unless he pay 20s. &c.

21 Jac. 8 §. 7. N. 2. Party Indict to become bound with Sureties in ten pounds in open Sessions to prosecute, before allowance of *Certiorari*, &c. Certiorari.

Cap. 26. §. 2. N. 1. Recognizance or Bail in anothers name, Felony. Nofm.

XLVI. *Lamb.* 3. cap. 2. pag. 348. The form of Bailment.

Mainprise.

*Memorand' quod 20 die mensis Julii, Anno regni Dom' nostri Jacobi, &c. venerunt coram nobis T. R. & H. L. duorum Justiciar', &c. assignatorum apud H. in Com' predict', A. B. & C. D. de E. in dicto Com' Yeomen, & ceperunt in Ballium usque ad proximam Goalam deliberationem in dicto Com' tenend', quendam F. G. &c. Labourer, captum & detentum in prisona pro suspicione cujusdam felonie, &c. & assumpserunt super se scilicet quilibet predict' A. B. & C. D. sub pena 20 l. bone & legalis monete Angliæ, & predict' F. G. assumpsit pro seipso sub pena 40 l. similis monete, de bonis & catallis, terris & tenementis eorum quorumlibet & cujuslibet eorum, ad opus dicti Domini Regis, heredum & successorum suorum levand', si p'fat' F. G. ad eandem proximam Goalam deliberationem personaliter non comparebit coram Justiciariis dicti Domini Regis ad dictam Goalam deliberand' assignatis ad standum recto de felonie predict', & ad respondend' dict' Domino Regi tunc & ibidem de & super omnibus que illi objicientur. Datum sub sigillis nostris die & anno primum supradict'. Dalt. 387, 388. cap. 127.* Kanc. st.

XLVII. *Lamb.* 348, 349. The Liberate. *I. B. and T. L.* two of the Justices of, &c. Imprisonm.

*To the Keeper of his Majesties Goal in M. &c. Greeting.*

**F**Orasmuch as *F. G. &c. Labourer*, hath before us found sufficient Mainprise to appear before the Justices of the Goal-delivery, at the next general Goal-delivery to be holden in the said County, there to Answer to such things as shall be then on the behalf of our said Sovereign Lord objected against him; and namely, to the Felonious taking of two Sheep, (for the suspicion whereof he was taken and committed to your said Goal) we command you on the behalf of our said Sovereign Lord, that if the said *F. G.* doth remain in your Goal for the said cause, and for none other, that you forbear to grieve or detain him any longer, but that you deliver him thence and suffer him to go at large, and that upon the pain that will fall thereon. Given under our Seals this 20 of July, &c. *Dalt.* 389. cap. 127. *Crompt.* 238 b. 239. Kent st.

XLVIII. 4 Ed. 3. 2. §. 1. N. 4. Such as shall be indicted or taken by the Keepers of the Peace, shall not be let to Mainprise by the Sheriff, nor by none other Ministers, if they be not Mainpernable by the Law, *Lamb.* 21. 23 H. 6. 16. §. 1. N. 6. Sheriff.

XLIX. *Kilb. Preced.* 2 Edit. 28. Recognizance of Bail.

Recognizance

*Kanc' ff. Memorand' quod 1 die Maii Anno regni, &c. A. B. de &c. personaliter venit coram me C. D. uno Justiciar' dicti Domini Regis ad pacem suam in Com' suo predict' conservand' assignat', & recognovit se debere eidem Domino Regi 10 l. legalis monete Angliæ, de bonis & catallis, terris & tenementis suis fieri & levari, ad opus & usum dicti Domini Regis, hered' & successorum suorum, si defalt' fieret in performance conditionis indorsat'. (Anno Dom. not necessary.)*

2. *Kanc' ff. Memorand' quod 5 die Octob. Anno regni, &c. A. B. de &c. G. H. de &c. I. K. de &c. personaliter venerunt coram nobis C. D. & E. F. Justiciar'* Recogni.

H h

*Justiciar' dicti Domini Regis ad pacem suam in Com' suo predict' conservand' assignat', & recognoverunt se debere eidem Domino Regi modo & forma sequent', viz. predict' A. B. 20 l. legalis monete Angliæ, & uterque predictorum G. & I. 10 l. consimilis monete, de separalibus bonis & catallis, terris & tenementis suis separaliter fieri & levare ad opus & usum dicti Domini Regis, hered' & successorum suorum, si defali fieret in performance conditionis indorsat'. (Anno Dom. not necessary.)*

Appearance.

*L. Kilb. Preced. ibid. 30, 31. A Condition for Felony or suspicion of Felony.*

**T**He Condition of this Recognizance is such, That if the within-bound *A. B.* do personally appear before his Majesties Justices of Goal-delivery, at the next general Goal-delivery to be holden for the within-named County of *Kent*, then and there to Answer to our Sovereign Lord the King, for and concerning the Felonious taking and stealing of, &c. (or for suspicion of his Felonious taking and stealing of, &c.) wherewithall he standeth charged before, &c. and to do and receive, &c. and do not depart the said Court without license for the same; that then this Recogn. to be void, or else it shall stand in full force.

2. If it be to appear at the Sessions, say, Do personally appear before his Majesties Justices assigned to keep his Peace in the within-named County of *K.* at the next General Sessions of the Peace to be holden for the said County at *T.* in the County aforesaid, then and there to Answer, &c.

3. If the Felon be in Prison, say, These are to charge and require you that immediately you bring before me the Body of *A. B.* now in your custody, to be Bailed as Law requireth; whereof fail not, &c. Given, &c.

## Bailiff.

*Sheriff, Franchise, Officer.*

Appearance.

**I.** *Amb. 390.* The Bailiffs of Franchises, and the Constables of Hundreds, are to serve at the Sessions, the one as Ministers, the other as Jurors, and therefore ought to give their attendance, 27 *H. 8.* 24 §. 14. *N. 1.*

Oath.

**II.** *Lamb. 4. cap. 4. pag. 428.* Article in charge at Sessions, if any Bailiff of Franchise, Deputy or Clerk of the Shire, or Under-Sheriff, or other person, have taken upon him to return any Enquest, Jury or Tales, or to meddle with the execution of Process in any Court of Record, have not before taken the Oath of Supremacy and of Office, &c. *Crompt. 57. 27 Eliz. 12. §. 4. N. 1.*

Enquest.

**III.** *Crompt. 182 b. Nota,* that where the King is party, if the Sheriff sends to the Bailiff of a Liberty to return the Pannel, he shall be Amerced and the Pannel quasht, for no liberty holds where the King is party.

Fees.

**IV.** 37 *Eliz. 4.* Of Franchise or Liberties, &c. nor any of their Officers, Servants, Bailiffs nor Deputies to do no Extortion.

Arrest.

**V.** 22 & 23 *Car. 2. cap. 20. (7.) §. 9. N. 2.* Under-Sheriffs, Bailiffs, Serjeant at Mace, or other Officers, shall not carry persons Arrest to the Tavern, Alehouse, or Victualling-house, &c. to put them to charge, without consent, &c.

*Baker & Badger, see Corn.*

## Bankrupts.

Indictment.

**I.** 21 *Jac. 19. §. 7. N. 1.* That Bankrupt on examination concealing Goods, &c. may be Indicted at Assizes, or the General Sessions to be holden



den before the Judges of Assize, or Justices of the Peace of the County or place where he or she shall become Bankrupt, and Pillory if found.

*Barrettors*, see *Maintenance*.

*Bark*, see *Leather, Woods*.

*Bargain and Sale*, see *Market Overt*.

Baron & Feme.

*Coverture, Women.*

I. 3 *Jac.* 4. §. 40. N. 1. None to be charged with penalty for Wives Forfeiture.  
offence in not receiving the Sacrament during Marriage, nor any woman  
to be charged for such offence.

II. 3 *Jac.* 5. §. 10. N. 1. Married woman convict Recusant, (*whose Hus-* Women.  
*band is none*) not coming to Church in a year, forfeits two parts of Joyniture  
or Dower, and disable to be Executor or Administrator.

III. 22 *Car.* 2. 1. §. 16. N. 1. If person offending in Conventicle and con- Forfeiture;  
vict, be a Feme covert co-habiting with her Husband, the penalties of five  
shillings and ten shillings shall be levied on his Goods.

IV. *Lamb.* 78, 79. The Wife if she be threatned to be killed, or to be Peace.  
outrageously chastised by her Husband, may with good reason demand the  
Peace against him, *F. N. B.* 80. *F. &* 230. and I do not doubt but that a  
Justice of Peace may in such a case happening in his presence, command it  
upon his own discretion. The Husband may also demand the Peace against  
his own Wife in like case; and any man may demand it against the Wife of  
another, by *Marrow, Crompt.* 133 *b.* 136.

V. *Crompt.* 136 *b.* A man may beat another in defence of his Wife and Justification;  
Children, 21 *H.* 7. 41. 35 *H.* 6. 56. 9 *Ed.* 4. 51.

VI. *Crompt.* 144 *b.* The Husband is bound that he and his Wife shall ap- Appearance,  
pear at such a Sessions, and that they keep the Peace in the mean time; at  
the day the Husband appears, but not the Wife, the Recognizance is not  
forfeited, because if there be any cause further to find Surety, the Husband  
shall be bound and not the Wife, and therefore the appearance of the Wife  
is not material; yet *Dalt.* 175. cap. 71. saith, *Quere* on 8 *Ed.* 2. For-  
feiture 17.

VII. The Laws, &c. 26. abr. 23. A Feme covert is within 1 *Eliz.* 2. §. 14. Pope.  
N. 2. and shall forfeit 12 *d.* if she repair not to Church every Sunday and  
Holy-day, 11 *Co.* 61. *Dr. Fosters Ca.* 3 *Bulstr.* 87. *Laws Ca.* 1 *Roll.* 93. c. 4 1.  
& *Hob.* 97. *Moor & Hussy.*

VIII. The Laws, &c. 68. abr. 72. N. 7. If a Feme covert be Indicted at Religion.  
the Kings Suit for an offence within 23 *Eliz.* 1. §. 5. N. 1. she may be  
charged with the penalty after her Husbands death; but the Husband is not  
chargable nor shall pay the penalty, for that he is no party to the Judg-  
ment: and this was one of the causes of making 35 *Eliz.* 1. §. 10. N. 1. by  
which the King may have debt, and recover the forfeiture against the Hus-  
band, 1 *Roll.* 93, 94. *Fosters Ca.* *Savell* 25. c. 59.

IX. The Laws, &c. 75. abr. 79. N. 10. An Action of debt or Information Information,  
*tam pro Domino Rege quam*, &c. lyeth upon 23 *Eliz.* 1. §. 11. N. 1. against  
the Husband and Wife for the Recusancy of the Wife, and he is liable to  
the 20 *l.* per month, notwithstanding he himself be no Recusant, 3 *Bulstr.* 87.  
1 *Roll.* 93. *Flob.* 97. *Savell* 25. c. 59. But the Wife cannot appear by *Super-*  
*fedas* alone without her Husband, for both must appear, or both be Out-  
lawed, *Hob.* 179. *Lovedens Ca.* Nor can she plead or joyn Issue without her  
Husband, 2 *Roll.* 90. & 2 *Cr.* 530.

Poor.

X. *Lamb.* 206. §. 3. If the Husband or Wife have a House, and the Husband or Wife rogue about, they ought to be sent to the Town where that House is; and so of an Inmate, *Dalt.* 125. cap. 47.

Kanc. B.

XI. *Pract. Preced.* 82. An Indictment for taking away a woman with her Husbands Goods.

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de C. in Com' K. predict' 10 die, &c. Anno regni, &c. vi & armis, viz. gladiis, &c. E. M. uxorem cujusd' B. M. apud, &c. rapuit, & eam cum bonis & catallis, viz. &c. ipsius B. M. cepit & abduxit, & ea eidem B. M. adhuc injuste detinet, contra pacem dicti Domini Regis nunc, coronam & dignitatem suas, &c.*

Middlesex f.

XII. *Pract. Preced.* 114. An Indictment for marrying two Wives, I *Jac.* 11.

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. nuper de parochia Sancti Egidii in Campis in Com' Midd. predict' Gen', 6 die Junii Anno regni, &c. apud paroch' Sancti Martini in Campis in Com' predict' duxit in uxorem quandam S. E. Spinster, & adtunc & ibidem eandem S. E. in uxorem suam habuit, quodque predict' A. B. postea scil. 21 die Maii Anno regni, &c. apud paroch' de Marybone in Com' Midd. predict' felonice uxorem duxit quandam W. I. Spinster, & eidem W. I. adtunc & ibidem, scil. dicto 21 die Maii Anno supradict' apud paroch' de Marybone predict' in Com' predict' maritatus fuit: predicta S. E. priori uxore adtunc superstita & in plena vita existens, contra pacem dicti Domini Regis nunc, coronam & dignitatem suas, &c. necnon contra form' Statuti in hujusmodi casu edit' & provisi. Et quod predict' A. B. postea scil. Anno 20 supradict' apud paroch' Sancti Egidii in Campis predict' pro feloniam predict' capt' & arrestat' fuit.*

## Bastardy.

Bawdry, Adultery, Coron, Poor, Incontinence.

Arrest.

I. *Lamb.* 118, 119. It is admitted by the opinion of the Court, 13 *H.* 7. 10. That if a man in the night-season haunt a House that is suspected for Bawdry, or use suspicious Company, then may the Constable arrest him, to find Sureties of his good abearing; for Bawdry is not meerly a Spiritual offence, but mixed and sounding somewhat against the Peace of the Land. 27 *H.* 8. 14. per *Fitz-h.* & 1 *H.* 7. 6.

Good behav.

II. *Lamb.* 2. cap. 2. pag. 119. And therefore it shall not be amiss at this day (in my slender opinion) to grant Surety of the good abearing against him that is suspected to have begotten a Bastard-child, to the end that he may be forth-coming when it shall be born; for otherwise there will be no putative Father found, when the Justices of the Peace shall (after the birth, and by virtue of 18 *Eliz.* 3.) come to take order for his punishment; And if this medicine might lawfully be applied to Shoemakers, Taylors, Weavers, and other light persons, that without Testimonial, or other good Warrant, do flit out of one Shire into another; not only that evil of Bastardy, but many other mischiefs, might be either prevented or punished thereby. *Crompt.* 196 b. §. 8. *Dalt.* 191. 37. & 355. cap. 121. *infra* 10.

Imprisenment

III. *Lamb.* 546. And the reputed Father or Mother of a Bastard-child, that will not perform the Order set down by two Justices of the Peace thereto authorized, shall be committed, and shall remain in Prison without Bail or Mainprife, till he or she will be bound, &c. 18 *Eliz.* 3. §. 1. N. 4, 5.

Poor.

IV. *Lamb.* 352, 353. Two Justices of the Peace, the one being of the *Quorum*, in or next to the Limits where the Parish-Church is in which a Bastard-child (left to the charge of the Parish) shall be born, ought to take

take order by their discretion, as well for the relief of the Parish, and keeping of the Child, as also for the Punishment of the Mother and reputed Father thereof. 18 *Eliz.* 3. §. 1. N. 2.

V. *Lamb.* 596. That 18 *Eliz.* 3. §. 1. N. 5. have mention of the Quarter-Sessions. Sessions.  
ter-Sessions to be holden next after *Easter*; which Statutes, as they make not in this point (*viz.* of holding the Sessions) a new Law, but be grounded upon former Law supposed to be in force, (*viz.* 2. *H.* 5. 4. §. 2. N. 2.) So allowing of any one of these four Sessions, they do therein give allowance of all the other three also.

VI. *Lamb.* 604. A Beggars Child may at the General Sessions be bound Apprentices.  
to serve any Subject of this Realm, being of honest Calling. 14 *Eliz.* 5. & 18 *Eliz.* 3. *Cromp.* 86.

VII. *Cromp.* 86 *b.* Enquiry at Sessions of Women that have Children Women,  
born out of Matrimony, and of the reputed Father of such Child, they shall be punished by the directions of the Justices of Peace. 18 *Eliz.* 3.

VIII. *Cromp.* 131 *b.* Two Justices of the Peace, whereof one shall be of Women,  
the *Quorum*, have power by their discretion, on examination of the Cause, and circumstances, to take Order as well for the punishment of the Mother as the reputed Father of every Bastard-child born out of Matrimony, and for relief of the Parish where it is born, in part, or in all. *Cromp.* 199.

IX. *Cromp.* 154 *b.* Neither the Mother nor reputed Father of any Bastard Bail.  
who refuseth to perform the order of the Justices can be bailed according to 18 *Eliz.* 3. §. 1. N. 5. see 2 *Bulstr.* 323. (341.)

X. *Cromp.* 196 *b.* §. 8. *Quere*, If a Justice of Peace may by discretion Good behav.  
bind to the good behaviour him that hath gotten a Woman with child, to be forth-coming until the delivery, because otherwise peradventure he will flie. But the Stat. 18 *Eliz.* 3. doth not give this; but it seemeth reasonable, *Lamb.* 119. *supra* 2. *Dalt.* 191, & 255.

XI. *Dalt.* 191. cap. 75. Also this Surety of the good behaviour is used Good behav.  
to be granted against the putative Father of a Bastard-child.

XII. *Dalt.* 37. cap. 11. Every Justice of Peace upon his discretion may (as it seemeth) bind to the good behaviour him that is charged or suspected to have begotten a Bastard-child, to the end that he may be forth-coming when the Child shall be born; otherwise there will be no putative Father when the two Justices, after the birth of the Child, shall come to take order according to 18 *Eliz.* 3. §. 1. N. 2. The like may be done after the birth of the Child, and before such order taken. *Lamb.* 119. *Cromp.* 196. §. 6.

XIII. *Dalt.* 37. cap. 11. Also if the putative Father of any such Child, Poor.  
either before the birth of any such Child, or after, shall by any perswasion, procurement, or other practice, be conveyed or sent away, or shall run away, so as the Justices of Peace cannot come by him, or so as the order of the Justices by means thereof shall not be performed; it seemeth every Justice of Peace upon his discretion may bind to the good behaviour, and so over to the next Gaol-delivery before the Judges of Assize, or to the next Quarter-Sessions, such as shall have any hand in such practice, &c. so of such as by practice, &c. shall cause the Mother of the Child to be conveyed or sent away, or to run away, whereby she leaveth her Child to the charge of the Town, &c.

XIV. *Dalt.* 37. cap. 11. Two Justices of the Peace, one being of the Justices:  
*Quorum*, in or next to the Limits where the Parish-Church is, in which Parish any Bastard-child (begotten and born out of lawful Matrimony) shall be born, upon examination of the cause, and circumstances, shall and may take order, by their discretion, as well for the relief of the Parish, in part, or in all, and keeping of the Child, (by charging the Mother or reputed Father with the payment of Money weekly, or other relief) as also



also for the punishment of the Mother and reputed Father. 18 *Eliz.* 3. & 21 *Jac.* 28. & 3 *Car.* 1. 4. But such a Bastard-child must be one that is left to be kept at the charge of the Parish, or one likely to be, or which may be chargeable to the Parish. 7 *Jac.* 4.

Poor.

XV. *Quere*, If the Bastard die before any order, if the Justices may make an order for the Parish only, or for Midwives Reward, &c. *Dalt.* 38. *Infra.* §. 23.

Justices.

XVI. *Dalt.* 25. cap. 6. And yet (notwithstanding the Rule *Com.* 206 b. in *Stradling's Case*) whereas by 18 *Eliz.* 3. §. 1. N. 2. the order to be taken for a Bastard-child is appropriated to two Justices of the Peace, one being of the *Quorum*, in or next unto the Parish where such Child shall be born; if two such Justices cannot agree upon the reputed Father, or in making such order as the Statute requireth, or in other execution of the Statute, *Quere*, what is to be done. I have known the Case lately moved to the Judges of Assize, who thought it fit that such difference between the two Justices of Peace should be referred to the hearing of the whole Bench, and the matter to be examined by them; and what order should be therein set down by the Bench, the same to stand good. But in such things appropriate to some one or more Justices, if without them all or any of the residue of the Justices shall intermeddle therein, such their doings seemeth no ways warrantable, but to be *coram non judice*; and that there is no necessity to obey them therein, as being no lawful Judges of the Cause. 1 *Cr.* 470. *Infra.*

Justices.

XVII. *Dalt.* 37. cap. 11. If the two Justices cannot agree upon their order, what is then to be done, see *Dalt.* 25. *supra*. But by some opinions the words of this Statute 18 *Eliz.* 3. §. 2. N. 2. being disjunctive, two Justices of Peace in or next to the Limits, &c. If the two Justices of Peace in that Division or Limits cannot agree, then the two Justices of Peace next to that Division or Limits, being within the same County, and one of them of the *Quorum*, have power to take order therein.

Oath.

XIII. *Dalt.* 37. *ibid.* Also it seemeth the Mother may be examined upon Oath concerning the reputed Father, and of the time and other circumstances, for that in this case the matter and the tryal thereof dependeth chiefly upon the Examination and Testimony of the Mother, 18 *Eliz.* 3. §. 2. N. 2.

Imprisonm.

XIX. *Dalt.* 37, 38. *ibid.* By 7 *Jac.* 4. §. 7. N. 1. it appeareth, that the Justices of the Peace shall now commit such lewd women to the House of Correction, there to be punished, &c. And therefore *Quere* if the Justices of Peace may punish by corporal punishment the Mother, by force of 18 *Eliz.* 3. §. 2. N. 4. and then to send them to the House of Correction; for *nemo bis punire debet pro uno delicto*, 4 *Co.* 43. & 8 *Co.* 118. & 2 *Bulstr.* 348. (330.)

Women.

XX. 2 *Bulstr.* 330. (348.) At Salop Assizes 19 March 7 *Car.* 1. An. 1631. this Question was propounded by Sir J. Corbet to Sir William Jones Justice of Assize: One had a Bastard-child, but she was not question'd, nor no proceedings had against her on 18 *Eliz.* 3. after she had another; whether she shall now be proceeded against on 7 *Jac.* 4. §. 7. N. 2. as for her second offence, or whether this shall be taken for the first: And by Jones Justice, she shall not be punished on 7 *Jac.* 4. §. 7. N. 2. as for her second offence, unless she had been before question'd and punish'd for her first offence, either by 18 *Eliz.* 3. or 7 *Jac.* 4. but she might have been punish'd as for her first offence on either, &c. *Infra* 44, 47.

Imprisonm.

XXI. *Dalt.* 38. Such corporal punishment on 18 *Eliz.* 3. §. 2. N. 4. or commitment to the House of Correction on 7 *Jac.* 4. §. 7. N. 1. is not to be until after the woman is delivered of her Child; neither are the Justices of Peace to meddle with the woman until that the Child be born, and she strong

strong again, lest the woman being weak, or the Child wherewith she is happen to miscarry; for you shall find that about 31 *Eliz.* a woman great with Child, and suspected for Incontinence, was commanded by the Masters of *Bridewell* in *London* to be whipt there, by reason whereof she Travailed and was delivered of her Child before her time, &c. and for this the said Masters of *Bridewell* were in the Star-Chamber fined to the Queen at a great Sum, and were further ordered to pay a Sum of money to the said woman.

XXII. *Dalt.* 38. Now it seemeth that such commitment to the House of Justices. Correction, ought to be by two Justices at the least, by the words of 7 *Jac.* 4. §. 7. N. 1. and then by the conference of these two Statutes, 7 *Jac.* 4. & 18 *Eliz.* 3. §. 2. N. 4. it seemeth fittest for the two next Justices authorized by 18 *Eliz.* 3. §. 2. N. 2.

XXIII. *Dalt.* 38. It seemeth by the words of 7 *Jac.* 4. §. 7. N. 1. that Poor. such a woman shall not be sent to the House of Correction until after the Child be born, and that it be living; for it must be such a Child as may be chargeable to the Parish. See *supra* §. 15.

XXIV. *Dalt.* 38, 39. Also it seemeth that such a Bastard-child is not to Imprisonm. be sent with the Mother to the House of Correction, but rather that the Child should remain in the Town where it was born, (or settled with the Mother) and there to be relieved with the work of the Mother, or by relief from the reputed Father; so *Dalt.* 125. cap. 47. and yet the common opinion and practice is otherwise, *scil.* to send the Child with the Mother to the House of Correction; and this may also seem reasonable, where the Child sucketh on the Mother.

XXV. *Dalt.* 38. *Nota*, that an Infant born 11 days *post ultimum tempus* Infant. *legitimum mulieribus constitutum*, viz. after 40 weeks after death of his Father, shall not be adjudged legitimate, &c. 1 *Inst.* 123 b. *Radwells* Ca. 2 *Esdra* 40, 41. and so it seemeth of an Infant born after 40 weeks from the time that the Feme chargeth the man to have carnal knowledge of her, such Infant shall not be adjudged nor reputed to be the Issue of such a man.

XXVI. *Palmer* 10. pl. 2. in *Alsop & Stacies* Ca. *Mich.* 17 *Jac.* a Child Infant. born ten days after the 40 weeks was adjudged legitimate; but there is a difference *per Dodridge* Justice, between 1 *Inst.* 123 b. and this Case, for here the Daughter shall be a Bastard, if it be not the first Husbands, but there both were legitimate, 2 *Cr.* 541. m.

XXVII. 1 *Cr.* 341. pl. 414. *Pridgeon* was brought to the Bar, *Fil.* 9 *Car.* 1. Sessions. in *B. R.* upon an *Habeas Corpus*, being at *Lincoln*, on complaint to two Justices of Peace next adjoyning, ordered to keep a Bastard-child; from which he appeal'd to the next Quarter-Sessions, at which he was discharged, and the former Order repeal. After at another Quarter-Sessions the first Order was confirm, and he commit for non-performance: and *per Curiam* the second Sessions hath no power to alter it after discharge, &c. So 1 *Cr.* 351. upon 18 *Eliz.* 3. §. 2. N. 6. and 3 *Car.* 1. cap. 4. (5.) §. 15. N. 2. doth not aid this Case, for the Statute is there, that if the two next Justices of Peace make not provision for the Bastard, the Justices of Peace at their Quarter-Sessions shall settle an Order for keeping of the Bastard, as the two next Justices ought; but it doth not give more power or authority, nor gives authority to one Sessions to alter that which in a former Sessions was ordered, *Jones* 330. m. 2 *Bulstr.* 355. (337.)

XXVIII. 1 *Cr.* 436. in *Salter and Browns* Ca. said, that it hath been re- Poor. solved that a Bastard-child of persons able to keep it, and not like to be chargeable to the Parish, is not within 18 *Eliz.* 3. §. 2. N. 2. and a reputed Father is to be adjudged by the two next Justices of the Peace, or the Sessions.

XXIX.

Justices.

XXIX. 1 *Cr.* 470. in *Slater's Ca. Pasch.* 13 *Car.* 1. *B. R.* Resolved by the whole Court, 1st. That before 3 *Car.* 1. 4. (5.) §. 15. N. 2. the Justices at the Sessions had no authority to meddle in the case of Bastardy, till the two next Justices (according to 18 *Eliz.* 3. §. 2. N. 2.) had made an order therein; and that then, and not before, the party refusing to perform the order, and upon giving reasonable Security to appear at the next Sessions, and abide such order as the Justices there (or the more part of them) should make, &c. the Justices at the Sessions might make a new order, &c. otherwise not. *Dalt.* 25. 37. *supra.* §. 16, 17. & 2 *Bulstr.* 324. pl. 238.

Sessions.

XXX. 1 *Cr.* 470. *ibid.* in *Slater's Ca.* Resolved 2dly. That by the Statute 3 *Car.* 1. 4. (5.) §. 15. N. 2. The Justices of the Sessions have power and authority originally to make an order in the case of Bastardy. For the words are, *That all Justices of the Peace within their several Limits and Precincts, and in their several Sessions, may do and examine all things concerning that part of the Stat. 18 Eliz. 3. §. 2. touching Bastards, &c. that by the Justices of the Peace in the several Counties were by the said Stat. limited to be done.* And therefore the first order made by the Sessions was in this case good and legal, and the second order made by the two next Justices void, and could not alter or revoke the order, which was first made by good authority, &c.

Errour.

XXXI. 1 *Cr.* 471. *ibid.* *Slater's Ca.* 3dly. Resolved, That an Error in part, (*viz.* committing the Mother for life for the first Offence) and in that part of the Order which only concerned her, should not vitiate the whole Order.

Poor.

XXXII. 13 & 14 *Car.* 2. 12. §. 19. N. 2. That it shall and may be lawful for the Churchwardens and Overseers for the Poor of such Parish where any Bastard-child shall be born, to take and seize so much of the Goods and Chattels, and to receive so much of the annual Rents or Profits of the Lands of such putative Father, or Lewd Mother, as shall be ordered by any two Justices of Peace, &c. for or towards the discharge of the Parish, to be confirmed at the Sessions, for the bringing up and providing for such Bastard-child.

Women.

XXXIII. 4 *Co.* 17. in *Ann Davies Ca.* If a Feme hath a Bastard, she is punishable by 18 *Eliz.* 3. and though Fornication or Avowtry be not examinable by our Law, because they are done in secret, and peradventure are uncomly to be publickly examined; yet the having of a Bastard is a thing apparent, and examinable by the said Act.

Process.

XXXIV. *Dalt.* 355, 356. cap. 121. A Warrant for the reputed Father of a Bastard-child.

Cumb. ff.

Whereas complaint hath been made to me by *K. I.* of your said Town single woman, That she is gotten with child by one *T. S.* also of your Town Butcher: These are thetefore to will and require you, and in His Majesties Name to charge and command you, and either of you, That presently upon the receipt hereof you attach the body of the said *T. S.* and thereupon to bring him before me, or some other of His Majesties Justices of the Peace for this County, to find sufficient Sureties as well for his appearance at the next General Sessions of the Peace to be holden for this County, as also for his good behaviour towards His Majesty and all his Leige-people in the mean time; and hereof fail you not, as you will answer the contrary at your perils. Dated, &c. *Dalt.* 37. in §. *supra.*

XXXV.



XXXV. *Dalt.* 356. *ibid.* Where a Maid-servant is gotten with child, Poor.  
and from thence sent to her place of birth.

**F**Orasmuch as *J. M.* for the space of      years now last past hath dwelt Essex *ss.*  
in the Parish of *W.* in the County of *E.* and being there settled in  
service with      &c. was gotten with child, and being so with child,  
now sent or conveyed to the Town of *B.* under colour that she was there  
born, to the burthening of the said Town, and contrary to Law: These are  
therefore in His Majesties Name to charge and command you safely to con-  
vey the said *J.* to *W.* aforesaid, there to be set on work, or otherwise to  
be provided for, according to the Law; and that you deliver and leave,  
or offer to leave the said *J.* to and with some one of the Churchwardens  
and Overseers for the Poor of the Parish of *W.* aforesaid; and hereof fail  
you not, &c. *Dalt.* 97. cap. 40.

XXXVI. *Dalt.* 384. cap. 125. A *Mittimus* to the Goal, of the repu- Imprisonm.  
ted Father of a Bastard-child, &c.

**I**Send you herewithal the body of *R. C.* of *C.* Labourer, brought before Cambr. *ss.*  
me this present day, and charged by *F. S.* of the same Town, to have  
gotten her with child; and for that the said *R.* refuseth to put in Security  
for his appearance at the next Quarter-Sessions; and to the end he may  
be forth-coming when as order shall be taken for the relief and discharging  
the said Town of *B.* and for the keeping of the said Child when it shall  
happen to be born, according to the Statute in that Case provided: These  
are therefore on the Kings Majesties behalf to charge and command you,  
That immediately you receive the said *R. C.* and him safely to keep in your  
said Goal, until such time as he shall be from thence delivered by due order  
of Law; and hereof fail you not, as you will answer your contempt at  
your peril. Dated, &c.

XXXVII. *Dalt.* 385. cap. 125. A *Mittimus* to the House of Correction Poor.  
for one that runneth away, leaving her Charge to the Town.

**W**E have sent you herewithal the body of *I. K.* of *W.* single woman, Cambr. *ss.*  
being lately delivered of a Child, and one that is able to labour,  
and thereby to relieve her self and her said Child; and hath notwithstan-  
ding lately run her away, and left her Child upon the Parish, to the charge  
of the same Parish, contrary to the Statute in that behalf provided: These  
are therefore to will and require you to receive the said *I. K.* and her  
safely to keep, until the next Quarter-Sessions to be holden for this Coun-  
ty; and in the mean time to hold her to such works, and to give her such  
due Correction, by moderate whipping or otherwise, as shall be fitting in  
your discretion, and according to the Law in that behalf provided;  
yielding her for her maintenance only so much as she shall deserve or earn  
by her Labour and Work; and hereof see that you fail not at your peril.  
Dated, &c. 7 *Jac.* 4.

XXXVIII. *Dalt.* 385. *ibid.* Note, If any mean person shall but threaten to Justices.  
run away and leave their Family as aforesaid, any two Justices of Peace of  
that Division may send them to the House of Correction as aforesaid; But  
such their threatening must be proved by two sufficient Witnesses upon  
Oath before the said Justices of Peace.

XXXIX. *Dalt.* 385. cap. 125. A *Mittimus* to the House of Correction Women.  
of the Mother of a Bastard-child.

**W**E have sent you herewithal the body of *I. C.* of *W.* in the said Cambr. *ss.*  
County single woman, being lately delivered of a Bastard-child  
likely to be chargeable to the Parish of *W.* aforesaid; and for that the  
said

said *I. C.* is able to labour, and that she may thereby the better relieve her self and her said Child : These are therefore to will and require you to receive the said *I.* into your said House, there to be punished and set on work during the term of one whole year, according to the Statute in that behalf provided ; and hereof fail you not, &c.

Imprisonm.

XL. A *Mittimus* to the House of Correction of the Mother of a Bastard-child, after Examination taken.

Suff. *β.*

**W**E send you herewithal the body of *B. H.* being lately delivered of a Bastard-child, and now brought before us ; requiring you her to receive, and her safely to keep in your House of Correction for the space of one whole year next ensuing, and to punish and to set her on work, according to the Statute in that case made and provided, during the said time ; and hereof fail you not, &c.

Recogn.

XLI. A Condition for a reputed Father of a Bastard-child.

**T**He Condition, &c. That if the above-bound *O. M.* shall and do personally appear at the next General Quarter-Sessions of the Peace to be holden at *I.* for that part of the County, and abide such order as the Justices of Peace shall and do then and there take and make concerning the Bastard-child born of *A. B.* of *C.* in the County of *S.* whereof he is accused to be the reputed Father, if the said Justices shall take or make any order therein ; and in default of such order by them to be taken or made, that then, if the said *O. M.* shall and do perform the order therein already made by *J. T.* and *J. S.* two of His Majesties Justices of the Peace for the County aforesaid, that then, &c.

Poor.

XLII. An Order for a reputed Father of a Bastard-child to discharge the Town.

Suff. *β.*

**W**Hereas *E. C.* of *R.* in the County aforesaid, Yeoman, hath been heretofore charged to be a reputed Father of a Male Bastard-child, late born at *P.* in the County aforesaid, of the Body of *S. B.* single woman there dwelling at *P.* aforesaid, and the matter being heard and examined by us, it appeared to us by the Confession of the said *S. B.* her self, and by the Testimony of divers witnesses taken before us upon Oath, that the said *E. C.* is the reputed Father of the said Bastard-child : We do therefore order and adjudge the said *E. C.* to be the reputed Father of the said Base-child ; and for the better discharge of the said Parish of *P.* we do order the said *E. C.* shall weekly, and every week, from the Birth of the said Child, until he shall accomplish the Age of twelve years, or so long as the said Child shall be any ways chargeable unto the said Town of *P.* pay or cause to be paid unto the Church-wardens and Overseers of the Poor of *P.* aforesaid, or some of them, towards the relief of the said Base-child, twelve pence ; and at the end of the said term of twelve years, to pay to the Church-wardens and Overseers of the Poor of the said Town for the time being, the sum of Five pounds of lawful *English* money, to bind the said Child forth as an Apprentice to some honest Trade or Calling. In witness, &c.

Poor.

XLIII. An Order for the reputed Father of a Bastard child to discharge the Town.

Suff. *β.*

**W**Hereas *S. W.* of *G.* in the County aforesaid, Widow, was lately delivered at *G.* aforesaid of a Bastard-child named *John*, which is likely to be chargeable to the Town or Parish : We the Justices of Peace of the County aforesaid, whose Names are here underwritten, having upon the complaint of the Townsmen of *G.* aforesaid, taken upon us the hearing and

and Examination of the said Cause, do find by divers Examinations testified upon Oath before us, that the said *S.* in the extremity of her Travail did accuse *I. B.* of *G.* aforesaid, Taylor, to be Father of the said Bastard-child: And we do also further find by divers other pregnant proofs and circumstances upon Oath, that the said *I. B.* is the reputed Father of the said Child, whereupon we do order and adjudge him the said *I. B.* to be the reputed Father of the said Bastard-child; and we do further order, both for the relief of the said Parish in part, as also for the punishment of the said *I. B.* that the said *I. B.* shall weekly and every week from and after the Birth of the said Child, (so long as the said Child shall be chargeable unto the said Parish) until the said Child shall attain to the Age of twelve years, pay or cause to be paid unto the Church-wardens and Overseers of the Poor of the said Town of *G.* for the time being, for and towards the keeping and education of the said Child, the sum of sixteen pence, and shall within three months after the said Bastard-child shall accomplish his said Age of twelve years, pay at or within the Church-Porch of *G.* aforesaid, unto the Church-wardens and Overseers of the Poor of the said Town of *G.* for the time then being, for and towards the putting out and binding forth of the said Child to be an Apprentice, the sum of Three pounds of lawful *English* money; and that the said *S. W.* so long as she shall not keep the said Child, shall likewise pay weekly and every week, during the twelve years aforesaid, (or so long as the said Child shall be chargeable to the said Parish) unto the Church-wardens and Overseers of the Poor of the said Town for the time being, the sum of 6 *d.* a week for and towards the education and maintenance of the said Child: And we do further order, that the said *S.* shall be sent to the House of Correction at *W.* there to be punished and set on work, and there to remain for one whole year now next ensuing, according to the Statute and Law in that behalf. And lastly we do order, that the said *I. B.* shall become bound in a Bond of Twenty pounds unto *M. B.* and *G. W.* two of the chief Inhabitants of the said Town of *G.* well and truly to perform so much of this our Order, as doth concern the said *I. B.* and is on his part by this our Order to be done and performed. In witness whereof we have put to our Hands the 15. day of March 1635.

XLIV. 2 *Inst.* 733. on 7 *Jac.* 4. §. 7. N. 2. If she will discharge the Parish Women. of the keeping of the Bastard, she cannot be punished by this Statute, but by 18 *Eliz.* 3. §. 2. N. 2. *infra* 47. *supra* 20.

XLV. 2 *Bulstr.* 323. (341.) pl. 237. on a *Hab. Corp.* return from *Oxon.* Sessions. *Littleton* moved for discharge of *Hamond*, who for a Bastard-child gave Bond to the two next Justices till the Sessions, to appear, &c. which he did, and the Sessions made a new Order, and for non-performance of this last Order committed him; which *per Curiam* is illegal, and he was discharged on 18 *Eliz.* 3. §. 2. N. 4.

XLVI. 2 *Bulstr.* 324. (342.) pl. 238. in *Smiths Ca. Mich.* 6 *Car.* 1. in Justices. *B. R.* *per Curiam*, the next Sessions on appeal must make a final Order.

2. Note, that upon reading of the Statute 18 *Eliz.* 3. §. N. and conference had among the Judges, they all agreed in this, that after an appeal to the Sessions, and the Justices there do repeal the first Order, the matter then is as *res integra* before them, and they may then grant a Re-reference of the matter to the two next Justices, 1 *Cr.* 470.

3. Note *per Curiam*, that upon 18 *Eliz.* 3. §. 2. N. 5. the Recognizance taken ought to be in the disjunctive, *viz.* to perform the Order made by the two next Justices, or to appear at the next Quarter-Sessions, and to abide the Order there.

4. Note also *per Curiam*, on 18 *Eliz.* 3. §. 2. N. 2. that one Justice of Peace by his Warrant may commit.



5. Note upon 18 *Eliz.* 3. §. 2. N. 5. It was moved, that after the two next Justices have made an Order under their Hands, whether one of them may afterwards disavow this or not; and if he so do, what is then to be done? as here one did, but no opinion as to this.

Women.

XLVII. 2 *Bulstr.* 330, 331. (348, 349.) pl. 244. by *Jones* Justice of Assize at *Salop* 1631. *March* 7 *Car.* 1. she that hath a second Bastard, shall not be punished upon 7 *Jac.* 4. §. 7. N. 2. as for her second offence, unless she had been before question'd and punish'd for her first offence; but she might have been punish'd for her first offence either by 18 *Eliz.* 3. §. 2. N. 2. or by 7 *Jac.* 4. §. 7. N. 2. *Supra* 44.

Poor.

XLVIII. 2 *Bulstr.* 328. (346.) pl. 242. in *Gerrards* Ca. it was said by *Whitlock* and *Crook* Justices, on reference *Mich.* 7 *Car.* 1. that if the poor Child to be relieved be a Bastard-child, this is clearly out of the Statute of 43 *Eliz.* 2. §. N. *Quere contra* 2 *Bulstr.* 331. pl. 345.

Indictment.

XLIX. *West. Symb.* 2 part 153. sect. 323, An Indictment for keeping a Bawdy-house, *Pract. Preced.* 186.

Midd. *ss.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod N. W. de A. in Com' predict' Taylor, & E. uxor ejus, &c. sunt communes Lupinar', & diversis diebus & vicibus ante diem hujus Inquisitionis in domibus suis scitua', &c. manutenerunt hospitium Lupinar', necnon diversas personas suspect' ibid' ludentes ad luda illicita, viz. Tables, Cards, &c. tam in die quam in nocte post horas debitas ei legitim' ad gravamen Inhabitantium ibidem, ac malum exemplum omnium aliorum ligeorum Domini Regis, &c.*

L. *Kilb. Preced.* 2 Edit. 37. An Order for relief of the Parish touching a Bastard-child, &c. *Pract. Preced.* 237, on 18 *Eliz.* 3.

Kent *ss.*

**T**He Order of us *W. B.* and *R. K.* Esqs; two of his Majesties Justices of the Peace of the said County, whereof *W. B.* is of the *Quorum*, and both residing within the limits where the Parish-Church of *H.* in the County aforesaid is, the 19 *Apr. An.* 1672. according to the form of the Statute in that case made and provided, touching the Male Bastard-child late born in the Parish of *H.* aforesaid, of the Body of *A. G.* of the same Parish single woman, the keeping of which said Bastard-child hath ever since the Birth thereof been, and still is chargeable to the Parish aforesaid, and so likely to continue chargeable.

First, upon our Examination of the cause and circumstance, and due consideration thereof by us had, we do adjudge *W. S.* late of *H.* aforesaid Tay'or, the reputed Father of the said Bastard-child.

And for punishment of the said Mother and reputed Father, and the better relief of the said Parish, we do hereby order as followeth.

We do order that the said Mother shall by the Constable, &c. of the Hundred of Great *B.* in the said County, or by some or one of them, upon the 10. day of, &c. between the hours of nine and twelve in the Forenoon, in the Common-Highway at or near, &c. in the Parish aforesaid, be stripped naked from the middle upwards, and then and there shall be tyed to the Tail of a Cart or Dung-Court, and being so stript and tyed, shall be there openly whipped until her Body be bloody.

We do also order, that the said reputed Father shall by the Constable, &c. of the Hundred aforesaid, or some or one of them, upon the 10. day, &c. between the hours of, &c. in the Forenoon, in the Common-Highway in the Parish aforesaid, over against the dwelling-house of *I. S.* there be stripped naked from the middle upwards, and shall then and there be tyed to the Tail of a Cart or Dung-Court, and being so stripped and tyed, shall be from thence drawn to the Watch-house aforesaid, and on the way well whipped in such manner as in such cases is accustomed.

We

We do further order, that the said Mother shall within three days next after notice of this our Order, render her Body to the said Constable, &c. or to some or one of them, ready to undergo her punishment before ordered.

We do likewise further order, that the said reputed Father shall within six days next after notice given unto him of this our Order, pay or cause to be paid to the Overseers of the Poor of the Parish aforesaid, or to some or one of them, 20 s. of lawful money of *England*, towards the monies by them disbursed (before the said notice given) for or towards the charges of the keeping of the said Bastard-child, from the time of the Birth thereof, until the time of the giving of the said notice.

And that upon every *Friday* which shall be next after the end of the said six days, until the said Bastard-child shall attain unto his Age of ten years, the said reputed Father shall likewise pay unto the Overseers of the Poor of the said Parish for the time being, or unto some or one of them, 16 pence of lawful money of *England*, towards the charges by them disbursed towards the keeping of the Bastard-child aforesaid, meaning between the end of the said six days, and the time that he shall attain unto his said Age of ten years.

We do further order, that the said Bastard-child shall be kept and nourished by his said Mother, until he shall attain unto the Age aforesaid; and that she, so far as she shall be able, shall during the said time so keep and nourish the same.

We do lastly order, that both the said Mother and reputed Father, shall for ever from and after such time as the said Bastard-child shall attain unto his said Age of ten years, joyntly and severally discharge the said Parish of and from all charges whatsoever, for, touching or concerning the keeping or relieving of the same.

In witness whereof we have hereunto subscribed our Names, the day and year first above-written.

W. B. R. K.

Bath & Buckston, see *Poor*.

Battery, see *Affray*, *Trespass*.

Battail, see *Coron*, *War*.

Beads, see *Pope*.

Beggars, see *Poor*.

Behaviour, see *Good Behaviour*.

Bears, see *Cattel & Games*.

Beer, see *Ale*.

Bigamy, see *Marriage*.

Blockwood, see *Drapery*.

Bloudshed, see *Homicide*, *Coron*.

Boatmen & Barges, see *Sewers & Ships*.

Bonds, see *Recognizance & Bail*.

Bows & Butts, see *Games*.

Bowls, see *Games*.

## Books.

Printer's, *Libels*.

I. 3 & 4 *Ed.* 6. 10. §. 4. N. 1. As well Justices of Assize, as Justices of Justices. Peace in the General Sessions, shall enquire of Printing all Antiphones, Missals,

Missals, Grayls, Proceffionals, Manuals, Legends, Pyes, Portuaffes, Primers in *Latine* and *Engliff*, Couchers, Journals, Ordinals, or other Books whatsoever, heretofore used for the Service of the Church, Printed without Authority, &c.

*Brass*, see *Mettle*.

*Breach of the Peace*, see *Peace*.

*Breaking of Prison*, see *Imprisonment*.

*Bricklayers*, see *Masons*.

*Bridges*, see *Ways*.

*Buckstalls*, see *Forest*.

*Buggery*, see *Coron*.

*Bulls*, see *Pope*.

*Burglary and breaking Houses*, see *Coron*.

*Burials*, see *Church*.

*Bushels*, see *Measures*.

*Butchers*, see *Cattel*.

*Butter*, &c. see *Viſuals*.

*Buying of Titles*, see *Maintenance*.

*Calculation*, see *Days*.

## Cattel.

*Calves*, *Sheep*, *Oxen*, *Cows*, *Butchers*, *Badgers*, *Drovers*, *Kidders*, *Horses*, *Replevin*.

Common.

I. 32 *H. 8.* 13. §. 8. N. 1. The Justices of Peace in every Shire, Riding, and other place, in their Quarter-Sessions to be kept and holden by vertue of the Kings Commission of the Peace to them directed, &c. shall have authority to enquire of, hear and determine, as well by Examination as otherwise, the offences of putting Horses under measure into great Commons, &c. *Lamb.* 600.

Common.

II. *Lamb.* 4. cap. 4. pag. 475; 476. Article of charge in Sessions, if any person have put to feed in any Forest, Chace, Moor, Marsh, Heath, Common or Waste ground within this Shire, where any Mares are used to be kept, any Stoned-Horse being above two years old, and not being fourteen hand high, &c. and if any such Forest or Grounds have not been yearly driven within fifteen days after *Michaelmas*, by the Owners or Officers thereunto appointed, 32 *H. 8.* 13. except in Marshes and Seggy Fen-grounds, 8 *Eliz.* 8. §. 2. N. 1. *Crompt.* 95 *a. b.* 124 *b.*

Indictment.

III. *Lamb.* 497. This is certain, that Justices of Peace ought to receive Indictments found in any Leets or Law-days, upon 32 *H. 8.* 13. §. 8. N. 2. to which end also the Court-holders of such Leets are bound to certify the same unto them within the space of four days.

Justices.

IV. *Lamb.* 4. cap. 11. pag. 527, 528. Now whereas also some Statutes (*viz.* 32 *H. 8.* 13. §. 8. N. 3.) do enable the Justices of Peace to hear and determine, by the general use of the word Examination, without shewing of what persons; it seemeth to me that they may thereupon examine as well the parties, as other witnesses, *Crompt.* 130 *b.*

Forfeiture.

V. *Crompt.* 194 *b.* Informer before the Justice of Peace shall have the moiety



moiety of the forfeiture, by 32 *H. 8.* 13. §. 8. N. 5. touching the breed of Horses, and 2 & 3 *Phil. & Mar.* 3. §. 3. N. 2. of Milch-Kine.

VI. 5 & 6 *Ed. 6.* 14. §. 16. N. 1. Every person known for a common Licence, Drover, being licensed in writing by three Justices of the Peace, whereof one to be of the *Quorum*, of the County where the same Drover shall be most abiding and dwelling, (may buy Oxen, Runts, Steers, Kine, Heifers, Calves, Sheep, Lambs, Goats, or Kids) in such Shires or Counties where Drovers have been wont in times past accustomedly to buy Cattel, at their free liberty and pleasure, and to sell the same, &c. at reasonable prices in common Fairs and Markets, distant from the place of buying 40 miles at the least, so that the same Cattel be not bought by way of Forestalling.

VII. *Lamb.* 4. cap. 4. pag. 447. Article of charge at Sessions, if any feeding above a hundred and twenty Sheer-Sheep for the most part of the year, upon his Grounds that be meet for Milch-Kine, and wherein no person hath any Common, have not for each 60 such Sheep, reared one Calf during the time of keeping such Sheep; or if any person feeding upon his several Pastures above twenty Oxen, Routs, Steers, Scrubs, Heifers or Kine, have not for every ten such Beasts kept one Milch-Cow, and for every two Kine weaned and reared up yearly one Calf, except it chance to die; he that feedeth such Sheep or Beasts only to be spent in his House excepted, 2 & 3 *Phil. & Mar.* 3.

VIII. *Lamb.* 599. The Justices may in their General Sessions determine Sessions, of the offences of killing and selling Weanlings under two years of age, 24 *H. 8.* 9. §. N. and of not keeping of Milch-Kine and Calves, 2 & 3 *Phil. & Mar.* 3. §. 3. N. 2. *Crompt.* 86.

IX. *Crompt.* 126. Justices of Peace may hear and determine by Presentment, Bill, Information or Complaint, the offences of such as kill Weanlings under the age of two years, to the intent to sell, by 24 *H. 8.* 9. §. N.

X. *Crompt.* 126. The Justices by 24 *H. 8.* 7. §. N. may hear and determine by Bill, Information and Presentment, the offence of such as kill sucking Calves to be sold, Calved between 1 *Jan.* and 1 *May.*

XI. *Crompt.* 126. The Justices may determine by Bill, Information, Presentment, Action of Debt or Detinue, the offences of not keeping Milch-Kine, or not rearing Calves, 2 & 3 *Phil. & Mar.* 3. §. 3. N. 2.

XII. *Crompt.* 193. Information for the party shall be commenced before Days, Justices of the Peace, within the year after the offence committed against 2 & 3 *Phil. & Mar.* 3. §. 3. N. 2. touching not keeping Milch-Kine, and not rearing Calves.

XIII. *Lamb.* 464. Article in charge at Sessions, if any have at once kept above the number of 2000 Sheep of all sorts, against the purport of 25 *H. 8.* 13.

XIV. 2 & 3 *Phil. & Mar.* 7. §. 7. N. 1. The Justices of Peace of every place and County, as well within Liberties as without, shall have Authority within their Sessions, &c. to enquire, hear and determine all the offences against this Statute, (of not Tolling Horses, Mares, Geldings, Colts, in Fairs, &c.) as they may do any other matter tryable before them, *Lamb.* 464. so 31 *Eliz.* 12. §. 3. N. 1.

XV. *Crompt.* 86. Article of charge in Sessions, if any Butcher, &c. kill Calves to sell, under the age of six weeks, &c. 5 *Eliz.* 8. 1 *Jac.* 22.

XVI. *Crompt.* 86. Article, &c. if any kill sucking Calves to be sold whole, or by retail, that shall be Calved between 1 *Jan.* and 1 *May*, &c. 22 *H. 8.* 7.

XVII. 2 & 3 *Phil. & Mar.* 7. §. 7. N. 1. The Justices of Peace of every place and County, as well within Liberties as without, shall have Authority in their Sessions to enquire, hear and determine all offences of selling

selling and buying Horses, &c. in Markets and Fairs, without Tolling, as they may do any other matter tryable before them, *Dalt.* 73. cap. 27.

Captains, see *War*.

Carnal knowledge, see *Women*.

Castles, see *War*.

Cause of suspicion, see *Intendment*.

Carriages, see *Purveyance*.

Carmen, see *Ways*.

Carriers, see *Ways*.

Causeys, see *Ways*.

## Certiorari & Certificate.

Removing, Return, Records.

Indictment. I. *Lamb.* 4. cap. 7. pag. 505. It falleth out not seldom that when Justices of Peace have taken an Indictment found before them, they cannot proceed to hearing and determining upon it, either because it is grounded upon some such Statute as giveth unto them no further power but only to enquire thereof, or else because the Indictment is taken out of their hands by *Certiorari*, and conveyed to Justices of a higher Authority, at the solicitation and by the means of some parties grieved, to the end that they may either Traverse it above, or there avoid it for Insufficiency of form or matter.

Courts. II. *Lamb.* 506. Albeit that in the removing of Pleas between party and party, from inferiour to higher Courts, by Toll, *pone*, *recordare*, &c. there was wont to be a probable cause alledged for which the same were removed; yet in this case of the *Certiorari*, there needs no cause to be comprised in the Writ of *Certiorari*, because they all be the Courts of the King, against whom the offence is committed, and it breedeth neither injury to the offender, nor loss to any other person in what Court soever the offence be tryed.

Record. III. *Lamb.* 4. cap. 7. pag. 507. This *Certiorari* may command either the Record it self, or *tenorem Recordi* to be sent up, and it ought to be obeyed accordingly; for upon fail thereof, 1. an *Alias*, 2. a *Pluries*, 3. an Attachment shall go out against them that should send it, as *F. N. B.* 245. But I have heard that they use also a *Subpena* at this day, *Dalt.* 408. cap. 134. *Crompt.* 132 b.

Superfedeas. IV. *Lamb.* 507. And albeit the *Certiorari* be a *Superfedeas* of it self, yet may the party upon the *Certiorari* purchased, have a *Superfedeas* also directed to the Sheriff, and commanding him that he arrest him not upon that Record before the Justices of the Peace, *F. N. B.* 237. E. in which place also he doubteth whether the Justices of Peace themselves ought in duty to award their own *Superfedeas* to the same effect, after that the Writ of *Certiorari* is brought to their hands.

Justices. V. *Lamb.* 507, 508. This *Certiorari* is ever directed to the Justices of Peace, and yet, &c. the *Custos Rotulorum* only hath the keeping of these Records; but the ancient Commissions of the Peace had no *Custos Rotulorum* specially named in them, &c. and then this certifying belonged to them, all which form the Writ retaineth to this day: and if it fall into Question, whether such a *Certiorari* were delivered to the Justices of Peace or not, that must be tryed by the Verdict of 12 men, saith 10 *H.* 7. 24. & 2 *H.* 7. 1. pl. 2. *Peace*, *Br.* 11.

VI. *Lamb.* 508. Now if a *Certiorari* come to the Justices of Peace to remove an Indictment, and the party sueth not to have it removed, but suffereth it to lye still, then the Justices of Peace may proceed notwithstanding the Writ, as *Hobard* Attorney-General said, 6 *H.* 7. 16. for otherwise the tryal of a Felon (if the Indictment were of Felony) might be delayed and deluded also. But yet *Keble* held opinion against him, and was fearful that in such a case it might prove Felony to make Execution of the Felon after such Writ received; and to say the truth, the Justices ought of Office to send it away, because the Writ containeth in it self a commandment to them so to do, *Dalt.* 408. cap. 134. *Crompt.* 133.

Process.

VII. *Lamb.* 508. And if a *Certiorari* come to the Justices of Peace to remove an Indictment, and in truth the Indictment was not taken till after the date of the *Certiorari*, yet if the Indictment be removed thereby it is good enough, for that they both be the Kings Courts, 1 *R.* 3. 4. and in such case it is now usual, *F. N. B.* 71. to remove it, *Crompt.* 132 b. 162 b. 167 b. *Certiorari*, *Br.* 15.

Indictment.

VIII. *Lamb.* 508. In the making of a Certificate upon this *Certiorari*, the Justices of the Peace ought neither to omit that which doth Authorize them, nor to exceed that Authority which belongeth unto them.

Justices.

IX. *Lamb.* 509. For on the one side, if they certifie an Indictment of Felony, or of a Riot, as taken *coram Justiciariis ad pacem*, it was not thought enough without saying further, *necnon ad diversas felonias*, &c. and otherwise it was doubtful whether the Indicted shall be quite dismissed or no, because the Justices of Peace had then no Record at all remaining with them; for the Clerk of the Peace makes his Entry accordingly, and that Record which they sent up is insufficient, and therefore the Clerk of the Crown was forbidden to receive any such Certificate, 12 *H.* 7. 25. but happily the new words in the reformed Commission of the Peace, will now dissolve that Prohibition, *Crompt.* 132. *Dalt.* 410. *infra* §. 39.

Indictment.

X. *Lamb.* 509. On the other side, if they certifie an Indictment of Felony not determined in *B. R.* they ought not without Warrant to certifie another Record of the Acquittal of that Indicttee for the same matter; for nothing ought by them to be sent thither without Warrant, but that which is executory and needeth the help of that higher Court, 8 *Ed.* 4. 18.

Record.

XI. *Lamb.* 509, 510. And if a *Certiorari* be to send up the Indictment of *A.* in which Indictment some others be Indicted together with the same *A.* yet need not the Justices of Peace to make Certificate concerning any but *A.* so 6 *Ed.* 4. 5. *Joyntenants*, *Br.* 33. for though they be named jointly, yet be they Indicted severally, and the King may pardon *A.* without forgiving the other, *per Markham* Ch. J. *Record*, *Br.* 57. *Crompt.* 132, 167. so 34 *H.* 8. 14. §. 3. N. 1.

Variance.

XII. *Lamb.* 4. cap. 7. pag. 510. Again if the Indictment be of the stealing of two Horses, and the *Certiorari* speaketh but of one Horse, it seemeth that they need not to certifie it at all, because of the variance; for it is certain that they of the *Kings-Bench* will not arraign the Indicttee upon it, but will rather write again to know whether there be any Indictment that agreeth with the Writ, 3 *Aff.* 3. *per Curiam*.

Variance.

XIII. *Lamb.* 510. Finally it is noted 8 *H.* 5. 5. that *Hankford* Ch. J. of *B. R.* observed this order, that he which brought thither an Indictment taken before Justices of the Peace, should endorse his name upon the back-side of it: which I note, not to teach them of *B. R.* but to let the Justices of Peace see that there is some heed to be taken of him by whom they sent up their Indictments.

Nofia.

XIV. 4 *Ed.* 3. 2. §. 1. N. 6. The Keepers of the Peace shall send their Indictments before the Justices Assign, &c.

Justices.



Courts.

XV. 6 H. 8. 6. §. 1. N. 3. And Justices of *B. R.* may command all Justices of Goal-delivery, Justices of Peace, and all other Justices and Commissioners, and every of them, to proceed and determine upon all the aforesaid Bodies and Indictments, (*of Felony and Murder so removed in B. R.*) after the course of the Common Law, in such manner as any of them might or should have done if the said Prisoners or Indictments had never been brought into *B. R.*

Utlary.

XVI. 34 & 35 H. 8. 14. §. 2. N. 1. The Clerk of the Crown, Clerk of the Peace, and Clerks of Assize, where any attainder, outlawry or conviction of Murder, Burglary, Felony, &c. shall be so had, shall not only certify a transcript briefly and in few words, containing the tenor and effect of every such Indictment, Outlawry or Conviction, and Clerk attainted before them, so to be had, &c. that is to say, the Name, Surname and addition, &c. and the certainty of the Felony or other offence, &c. and the day and place of his Outlawry, Conviction and Attainder, &c. and where and when the said Felony, &c. shall be done, before the King, &c. at *Westm.* &c. within 40 days next after any such Attainder, Conviction or Outlawry, if the Term be then; and if not then, within 20 days of the Term next following the said 40 days; but also shall deliver a transcript of every such Indictment, &c. to the Ordinary, &c. 4 *Inst.* 182. *Lamb.* 580.

Nofin.

XVII. 34 & 35 H. 8. 14. §. 3. N. 1. That if there be any more persons contained and named in any such Indictment, other then such person so attainted, convicted or outlawed, that then such Clerk of the Crown, Assize, or of the Peace, with whom the Record, &c. shall remain, shall within the time before, &c. certify the transcript of such Indictment, Outlawry or Conviction only concerning such person so Indicted, Attainted, Outlawed or Convicted, into *B. R.* at *Westm.* &c.

Utlary.

XVIII. 34 & 35 H. 8. 14. §. 4. N. 1. That the Clerk of the Crown in *B. R.* &c. shall at all such times as the Justices of Goal-delivery, or Justices of the Peace in every County within this Realm of *England*, do write unto him for the names of such persons which be so attainted by Outlawry, or Clerks attainted or convict, and certified in *B. R.* shall incontinently and without delay certify the said Names and Surnames of the said persons, with the causes why and wherefore they were convict or attainted, unto the Justices of Goal-delivery, or Justices of Peace, &c.

Imprifoun.

XIX. 1 & 2 *Phil. & Mar.* 13. §. 7. N. 1. No Writs of *Habeas Corpus*, or *Certiorari*, shall hereafter be granted to remove any Prisoner out of any Goal, or to remove any Recognizance, except the same Writs be signed with the proper hands of the Chief Justices, or in his absence one of the Justices of the Court out of which the same Writs shall be awarded or made, *Dalt.* 410. *infra* §. 42.

Sessions.

XX. 21 *Jac.* 8. §. 7. N. 1. That all such Writs of *Certiorari*, (*of Riot, Forcible Entry, or Assault, &c.*) shall, &c. be delivered at some Quarter-Sessions of the Peace in open Court.

Bail.

XXI. 21 *Jac.* 8. §. 7. N. 2. And that the parties Indicted shall before the allowance of such *Certioraries*, become bound unto such, &c. which shall prosecute such Bills of Indictment against them, in 40 *l.* with such Sureties as the Justices of Peace at their Quarter-Sessions of the Peace shall think fit; with condition to pay unto such prosecutors, &c. within a month after conviction, &c. such reasonable Costs and Damages as the said Justices of Peace of such Counties where such Bills of Indictment shall be found in the said Sessions of the Peace, shall assess or allow.

Process.

XXII. 21 *Jac.* 8. §. 7. N. 3. And that in default thereof, it shall be lawful for the said Justices to proceed, any such Writs of *Certiorari* to remove the same Indictments notwithstanding.

Ways.

XXIII. 13 & 14 *Car.* 2. 6. §. 16. N. 1. No *Certiorari* shall be allowed to remove

remove any Information, Indictment, Presentment, Order, or other proceedings in the Quarter-Sessions, of, for or concerning any matter or thing in this Act, (*viz. for the Tax and Amendment of High-ways, &c.*) unless the party, &c. against whom any such Information, Indictment, Presentment, Order, or other proceedings shall be had by vertue of this Act, shall before the allowance of such *Certioraries* become bound to the party, &c. prosecuting, in the sum of Fourty pounds, with such sufficient Sureties as the Justices of the Peace at their said Quarter-Sessions of the Peace shall think fit; with condition to pay unto the said prosecutors within one month after the conviction, &c. their full Costs and Damages, to be ascertained upon their Oaths; and that in default thereof, it shall be lawful for the said Justices to proceed to tryal of such Indictments, any such Writ of *Certiorari* to remove the same Indictments notwithstanding.

XXIV. *Crompt. 131 b. 132 a.* One was Indict of the Counterfeiting of Money. Money before J. B. Mayor of the Vill of S. and his Companions Justices of the Peace there; and because there was no special Commission to enquire of High-Treasons, as other Justices of Peace have, by 3 H. 5. Stat. 2. cap. 7. which Authority ought to appear in the Title of the Certificate, with the Indictment the Prisoner went without day in B. R. whereinto the said Indictment was certified in form aforesaid, 2 R. 3. 10.

XXV. *Crompt. 132.* A Conservator of the Peace may certifie in B. R. Peace. that such a man hath broken the Peace in his presence, and upon this Certificate the party shall be put to a Fine, without any Traverse to it, *Marwood Lett. 3. Crompt. 65. §. 56. & 167 b.*

XXVI. *Crompt. 132.* A Justice of Peace hath a Record in his hands, and Records. is discharg'd of his Office, he cannot certifie this without a Writ of *Certiorari*, though he be made a Justice again, 8 H. 4. 5. *Certiorari, Br. 9. Garrant de Attorney, Br. 9. Record, Br. 64. Dalt. 408. cap. 134.*

XXVII. *Crompt. 132 a. b.* Nota, if a *Certiorari* be return in B. R. then the Return. words are *nobis mittatis*; if it be to be certified into the Chancery, then it is in *Cancellaria nostra, Registr. 90.* if it be in C. B. then its *coram Justiciariis nostris de Banco.*

XXVIII. *Crompt. 132 b.* In the *Certiorari* to remove an Indictment of Riot. Riot, &c. it must say, *necnon ad diversas felonias, &c.* for to make mention who were Justices of Peace only, is not sufficient, 12 H. 7. 24. & 2 R. 3. 10. 22 Ed. 4. 12. b. *Riot, Br. 186.*

XXIX. *Crompt. 132 b.* A *Certiorari* may be awarded to Justices of Peace, Recognizance to certifie a Recognizance of the Peace taken by him, 2 H. 7. 1. pl. 2. *Peace, Br. 11.* See 3 H. 7. 1. §. 1. N. 26. that he must certifie the Recognizance to the Sessions of the Peace, but no pain is put there if it be not so, *Lamb. 108. in tit. Recognizance 4. Infra 58.*

XXX. *Crompt. 132 b.* The Justices *de Banco* may write to the Justices of Indictment. Peace, to certifie an Indictment taken before them, for tryal of a Writ of Conspiracy pending there before them, 19 H. 6. 19. & 41 Aff. 22. *Certiorari, Br. 8.*

XXXI. *Crompt. 132 b.* A *Certiorari* of an Indictment came to the Justices, Execution. which is delivered to the *Custos Rotulorum*, or to the Clerk of the Peace, and the party who sued the Writ, suffer'd the day of the Return of the *Certiorari* to pass the Record not being removed, and afterwards brought another *Certiorari*; it seemeth that the Justices may proceed with Execution upon the Record, notwithstanding the second *Certiorari*, &c. because otherwise the party may be always delayed; and so its voucht to be adjudg'd 13 Ed. 4. 4. See 6 H. 7. 16. & *Dyer 245. pl. accordant, Crompt. 133. 162 b. 166, 167 b. Infra 64.*

XXXII. *Crompt. 132 b. 133.* If there be a variance between a *Certiorari* Variance. and the Record that should be remove, the Justices ought not to certifie

this Record, for if the Record cometh into Court, they will not proceed by reason of the variance; as in case where a *Certiorari* is to remove an Indictment of the stealing two Horses, and the Indictment that is removed is only of the stealing of one Horse, which was sent in *B. R.* by *Mittimus* out of the Chancery; and for that variance, &c. they would not Arraign the Indicttee, but he went adieu, for there was no Warrant to Arraign him, 3 *Aff. 3. Com. 393.* the like of Number.

Courts.

XXXIII. *Crompt. 133.* The ordinary way of removing a Record into another Court, is first to sue a *Certiorari* out of the Chancery to remove the Record thither, and thence it shall be sent in *B. R.* or, &c. by *Mittimus*, 36 *H. 8. Certiorari, Br. 20.*

Records.

XXXIV. *Crompt. 133. Nota*, that a Record shall not be removed by a *Recordare*, but by a *Certiorari*, or *Corpus cum causa*, 9 *H. 6. Record, F. 3.*

Justices.

XXXV. *Crompt. 133 b.* A Justice of Peace may deliver in *B. R.* an Indictment found before him, or a Recognizance of the Peace taken before him, or of force by him recorded, on 15 *R. 2. 2. §. 1. N. 3.* without any *Certiorari*, because he is a Judge of Record, *Dalt. 408.*

Record.

XXXVI. *Crompt. 133 b.* A Justice of the Peace cannot carry into the Kings-Bench no Record but that which is executory, no acquittal of Felony that is executed, but that must come in by Certificate thereof, 8 *Ed. 4. 18. Record, Br. 59.*

Rot. i

XXXVII. *Crompt. 133* A *Certiorari* to remove into the Chancery an Indictment of a Riot, taken before Justices of Peace in the Country, is thus:

Straff. B.

*Jacobus Dei gratia, &c. Custodibus pacis sue, ac Justiciariis suis ad diversa felonias, transgressiones, & alia malefacta in Comitatu S. perpetrata audiend' & terminand' assignat', ac Vicecomitibus ejusdem Comitatus, & eorum cuilibet, salutem. Volentes certis de causis Certiorari super omnibus & singulis Indictament' fact' & habitis coram vobis seu aliquibus vestrum de quibusvis Riotis, transgress', seu aliis malefactis quibuscunque, (feloniam non tangent') unde Th. Chambers & P. B. Generosi, separatim, conjunctim, seu simul cum aliis Indict' sunt, ut dicitur, vobis mandamus quod Indictamenta predicta cum omnibus ea tangent' quibuscunque nominibus iidem T. C. & P. B. Indictamentis illis censeantur, nobis sub sigillis vestris vel unus vestrum distincte & aperte mittatis & hoc Breve. Ita quod ea habeamus a die Sancti Michaelis proximi futuri in 15. dies ubicunque tunc fuerimus in Anglia, ut ulterius inde fieri faciamus, quod de jure & secundum legem & consuetudinem regni nostri Angliæ fuerit faciend'. Teste meipso apud Westm. 11 die Junii, Anno regni, &c. 11.*

Return.

XXXVIII. *Dalt. 407. cap. 134.* The return of a *Certiorari* sent to remove an Indictment, may be thus:

First, upon the back-side of the Writ of *Certiorari*, endorse these or the like words; *Executio istius Brevis patet in quadam Scheda eidem Brevi annexa.* And that Schedule may be thus:

*Ego M. D. unus Custodum pacis ac Justiciarius Domini Regis ad pacem in dict' Comitatu S. conservand', necnon ad diversas felonias, transgressiones, & alia malefacta in eodem Comitatu perpetrata audiend' & terminand' assignat', virtute istius Brevis mihi deliberati Indictamentum illud (unde in dicto Brevis fit mentio) una cum omnibus idem Indictament' tangentibus, in Cancellaria dicti Domini Regis distincte & aperte sub sigillo meo certifico. In cujus rei testimonium ego presat' M. D. hiis present' sigillum meum apposui. Datum apud W. die, &c. Anno, &c.*

Then take the Record of the Indictment, and close it within the Schedule, and seal them up both together with the *Certiorari*.

Riot.

XXXIX. *Dalt. 410. cap. 134.* Note also, that upon a *Certiorari* to remove an Indictment of a Riot, or Forcible Entry, &c. the Return must have



have these words, *neqnon ad diversas felonias*, &c. for if the Return mentions only that they are Justices of the Peace, without the former words *neqnon*, &c. according to the Commission, the Return is insufficient, 12 H. 7. 25. 2 R. 3. 9. *Indictment*, Br. 32. 50. & 28 H. 6. 11. *Error*, Br. 13. Lamb. 509. *supra* §. 9.

XL. *Crompt.* 143. A Writ out of the Chancery to certify a Recognizance *Recogn.* that is taken by a Justice of the Peace in the Country, for conservation of the Peace, is in this manner :

Jacobus, &c. *Custodibus pacis nostræ in Com' S. & eorum cuilibet, salutem. Volentes certis de causis Certiorari super tenorem cujusdem securitatis pacis (vel boni gestus) quam A. P. Armig' nuper invenit coram vobis vel aliquo vestrum, de eo quod ipse damnum vel malum aliquod R. S. aut alicui alii de populo nostro de corpore suo. nec faceret nec fieri procuraret quovismodo : Vobis mandamus quod tenorem securitatis (sive boni gestus) predictæ nobis in Cancellaria nostra in Octab' Purificat' beate Mariæ proxim' futur' ubicunque tunc fuerit, sub sigillis vestris vel unius vestrum distincte & aperte sine dilatione mittatis, & hoc sub pena cent' librar' nullatenus omittatis, nec aliquis vestrum omittat. Teste meipso apud Westm. 23 Jun. Anno, &c. Dalt. 409. cap. 134.*

XLI. *Crompt.* 143 b. The form of a Certificate of a Recognizance of the Peace, Peace on the said Writ of *Certiorari*, is in this manner : *Virtute istius Brevis ego G. S. unus Custodum pacis in Com' S. infra script', tenorem securitatis pacis unda infra fit mentio Domino Regi nunc in Cancellariam suam sub sigillo meo distincte & aperte mitto, prout patet in Scheda huic Brevis consul', &c.* and then write the Recognizance *verbatim*, and put your Seal to the Certificate. See *Rast. Entr.* 416. *Dalt.* 185, 186. cap. 73. *Crompt.* 125 b. Lamb. 108.

XLII. *Dalt.* 410. cap. 134. Also note, that no *Certiorari* shall be granted *Recogn.* to remove any Recognizance, except the same Writ be signed with the proper hand of the Chief Justice, or in his absence of one of the Justices of that Court out of which the same Writ shall be awarded or made, 1 & 2 *Phil. & Mar.* 13: §. 7. N. 1.

XLIII. Lamb. 580. The Clerk of the Peace must under the pain of 40 s. *Officer.* certify in *B. R.* a true transcript of every Attainder, Outlawry and Conviction, had before the Justices of the Peace in any place, except *Wales*, *Chester*, *Lancaster* and *Durham*, within 40 days after, if it be then Term, and if not, then within 20 days after the beginning of the next Term, that the same may there also appear of Record, to be used upon cause as that Statute hath appointed, 34 H. 8. 14.

XLIV. Lamb. 580, 581. And if a Principal be attainted of Murder or *Accessory,* Felony in one County, whereunto another is Accessory in any other County, then upon writing from the Justices of Goal delivery, or of Oyer and Terminer, to the *Custos Rotulorum* where such Principal is attainted, he must certify in writing under his Seal to the said Justices, whether such Principal be attainted, or otherwise discharged or not, that they may proceed thereupon to the tryal of the Accessory, 2 & 3 *Ed.* 6. 24. §. 4. N. 2.

XLV. Lamb. 581. But in cases where Justices of the Peace have power *Indictment.* to receive Indictments, and no power to proceed any further upon them, there they ought to send up and certify the Indictments themselves, and that of duty, as I think, without any *Certiorari* commanding the same ; because having none Authority to hear and try the offences, the Records thereof shall be unprofitable before them, and therefore they can have no just cause to retain them ; and yet for the more surety it is specially commanded by 5 *Eliz.* 1. §. 3. N. 2. that they shall certify the Presentments of some offences against that Statute.

XLVI. Lamb. 581, 582. And so if a man bound to keep the Peace, do *Recogn.* make

make default of appearance at the next Quarter-Sessions, the Recognizance it self, together with the Records of that default, must be certified into the Chancery, *B. R.* or Exchequer, that Execution upon the Recognizance may be had there, 3 *H. 7. 1. §. 1. N. 26.* and so ought it as I think to be presented, that the party hath forfeited his Recognizance by breach of the Peace; and likewise if it be presented before them, that the Chattels of a man attainted of Felony, be in the hands of another, for in these and such other cases where they cannot of themselves proceed, they ought to send the Records to such as have Authority to determine upon them, and otherwise they do not discharge that duty which the words *salvis, &c. & aliis ad nos inde spectantibus*, in the Commission, §. 16. do seem to expect at their hands, *Crompt. 141 b.*

- Pope. XLVII. *Lamb. 582.* The Abjuration of a Seditious Sectary being made in the open Quarter-Sessions of the Peace, ought to be certified from thence to the Justices of Assize at the next Assizes, 35 *Eliz. 1. §. 2. N. 3.*
- Purveyors. XLVIII. *Lamb. 582.* Furthermore, the Stat. of Purveyors, 2 & 3 *Phil & Mar. 6. §. 6. N. 2.* doth appoint the Justices of the Peace to certifie to the Treasurer of the Kings Household, the Dockets of Purveyors brought to their Sessions by Constables, that the serving of such Commissioners, and the true answering of Purveyors, may be the better examined thereby.
- Records. XLIX. *Lamb. 582.* And although it may be doubted whether these be Records or no, yet for that they are to be certified from the Sessions of the Peace, I stick not to afford them this place; and if you will also repute in this number the Licenses and such other Acts of that kind which pass at the Sessions of the Peace, I will not be against it.
- Superfedeas. L. *Lamb. 583.* Touching the *Certiorari* it is of force, if it be made accordingly, to remove not only Indictments or other Executory Records, wherein the Justices of Peace can go no further; but also the Records of Causes fully and lawfully heard and determined by them, to the end that they may be reversed and adnulled in *B. R.* if good matter and cause do require it.
- Courts. LI. *Lamb. 583.* For that preheminance hath the Kings-Bench, as you may see by proof; yea all other the higher Courts may write to the Justices of the Peace to certifie their Records, that do make for the tryal of Causes hanging in them, as 19 *H. 6. 19. Records, Br. 24.* where they of *C. B.* did send to the Justices of Peace for an Indictment, because in a Writ of Conspiracy brought before them it was material to have it.
- Indictment. LII. *Lamb. 583.* And yet neither they of *C. B.* nor *B. R.* do use to write for Indictments, or such other Records, unless they be thereto induced by a Cause hanging in their own Courts before them; for otherwise the right way to remove them, is by *Certiorari* out of the Chancery, from whence they may be transferred by *Mittimus* to any other Court, 41 *Aff. 22.* by *Knivet Ch. J. Certiorari, Br. 8.* howbeit a man may gather upon 1 *R. 3. 4. b. Causea Remplee, Br. 31. (32.)* that if any Record be sent up without Warrant to such a higher Court, they may there proceed upon it, because it is thereby made a Record in that Court, and that Court is the Court of the King as well as the other.
- Ale. LIII. *Lamb. 620.* If the Justices of Peace having taken a Recognizance for an Alehouse, do not certifie it at the next Quarter-Sessions of the Peace, they shall lose five Marks, 5 *Ed. 6. 25. §. N. Crompt. 167 a. b.*
- Ways. LIV. *Lamb. 620.* That next Justice of Peace which doth not certifie at the next General Sessions of the Peace, such Presentments as the Overseers of Highways have before presented unto him, shall lose 5 *l.* for every default, 2 & 3 *Phil. & Mar. 8. §. N. 5 Eliz. 13. §. N. Crompt. 125 b.*
- Pope. LV. *Lamb. 621.* If the Justices of Peace before whom any Presentment shall be made at their Quarter-Sessions, against any person for the extolling the

the Authority of the See of *Rome*, do not certify the same in *B. R.* within 40 days after, if the Term be then open, and if not, then at the first day of the next full Term, they shall every of them lose 100 *l.* for every fault, 5 *Eliz.* 11. §. N.

LVI. *Lamb.* 621. Those Justices of Peace which do not certify into the Sheriffs, Exchequer their Examinations taken concerning the entring of Plaints by the Sheriffs, shall lose 40 *s.* 11 *H.* 7. 15. §. N.

LVII. *Crompt.* 125 *b.* A Presentment at Sessions by Justices of Peace of Ways, their own knowledge, of such a way not repaired, is as a Presentment of 12 men, whereon the Justices may assess a Fine, 5 *Eliz.* 13 §. N. & 2 & 3 *Phil. & Mar.* 8. §. N.

LVIII. *Mich.* 2 *H.* 7. 1. *pl.* 2. *Peace, Br.* 11. If a Recognizance of the Peace, Peace be taken by a Justice of Peace, this may be certified by a *Certiorari*, though that the Justice of Peace doth not bring it to the Sessions, nor to the *Justos Rotulorum*, *Lamb.* 109. and if a *Superseas* be returned to the Sessions, and no Recognizance, then a *Certiorari* may be awarded to the same Justice to certify the Recognizance: yet see 3 *H.* 7. 3. §. 1. N. 4. that the Justice shall forfeit 10 *l.* if he doth not certify the Recognizance to the next Sessions.

LIX. *Dalt.* 173. cap. 70. If the Justice of Peace shall not certify such Justices, Recognizance taken for the keeping of the Peace, at the next Sessions, 3 *H.* 7. 1. §. 1. N. 27. limiteth no penalty: and yet see *Peace, Br.* 11. that the Justice shall forfeit 10 *l.* if he do not certify the Recognizance of the Peace at the next Sessions: but Mr. *Erook* there mentioneth 3 *H.* 7. 3. §. 1. N. 4. which was only for Bailment of Prisoners, and certifying the same, and so seemeth to mistake the Statute, *F.N.B.* 251. *F. Crompt.* 169.

LX. *F.N.B.* 251. *F.* And two Justices of Peace, whereof one must be of the *Quorum*, may let Felons suspect, or other persons that are Mainpernable, to Mainprise until the next general Sessions or Goal-delivery; but the Justices of Peace there are bound to certify this Recognizance at the next general Sessions or Goal-delivery, to the Justices on pain of forfeiture of 10 *l.* and this by 3 *H.* 7. 3. §. 1. N. 4. 1 & 2 *Phil. & Mar.* 13.

LXI. *Crompt.* 167 *b.* The Justices of Peace shall pay such a Fine, as the Fines, Justices of Assize shall assess upon them, who do not certify to the Assizes the Examinations and Bails of Felons taken by them, according to 1 & 2 *Phil. & Mar.* 13. §. N. & 2 & 3 *Phil. & Mar.* 10.

LXII. *Crompt.* 169. The Stat. 3 *H.* 7. 1. §. 1. N. 26. saith, that the Recognizance of the Peace shall be certified at the next Sessions of the Peace, to the intent that the party shall be demanded; but the Statute doth not give any pain in this case.

2. And if he that demands the Peace, releaseth the Peace before the Peace, Sessions, then it seemeth that though he do not certify it, that the said Statute 3 *H.* 7. 1. §. 1. N. 26. is not offended, for he shall not be demanded in that case.

3. And see 2 *H.* 7. *Fitzh.* J. P. 2. That before the said Statute 3 *H.* 7. 1. Recogn. §. 1. N. 26. none was not bound to certify the Recognizance at the next Sessions, though it were good so to do, as appears there; because that a *Certiorari* may be awarded to the Justice of Peace to certify, &c. *Dalt.* 173. cap. 70.

LXIII. *Crompt.* 167 *b.* The Justices who enquire of a Riot by 11 *H.* 4. 7. Riot. §. N. must with the Sheriff or Under-Sheriff certify the King and his Council of all the Fact, and of the circumstances of the Riot where, &c. where the truth thereof cannot be found by Enquest, on pain of 100 *l.* to each of them who do not certify, &c.

2. And by 19 *H.* 7. 13. §. N. The said Justices and the Sheriff or Under-Sheriff, must certify the names of Maintainers and Embracers, by which



which means the truth of the Riot where, &c. is not found, upon pain of 20 *l.* to each of them.

Variance.

LXIV. *Crompt.* 167 *b.* A Writ of *Certiorari* came to the Justices to certify an Indictment, and the Indictment was taken after the *Teste* of the *Certiorari*, yet its well certified, for both are the Kings Courts, 1 *R.* 3. 4. see *F.N.B.* 71. the like case of Records; & *supra* 31.

Challenge, see *Enquest.*

Champerty, see *Maintenance.*

Chance-meddly, see *Coron.*

Chandlers, see *Wax & Trades.*

Charge, see *Sessions & Justices.*

Chastisement, see *Apprentice.*

Chattels, see *Forfeiture & Coron.*

Cheese, see *Viſtual.*

Chiding, see *Affray.*

Children, see *Infant & Poor.*

Chimney-money, see *Taxes.*

## Church & Church wardens.

### Religion.

Religion.

I. *Lamb.* 412, 413. Article in charge at Sessions, If any person being above the Age of sixteen years, (and not having lawful and reasonable excuse to be absent) have not repaired and resorted unto his or her Parish-Church or Chappel accustomed, or upon let thereof, to some usual place where Common-Prayer is to be used, upon every Sunday and other Holy-day, and have not there orderly and soberly abiden during the time of such Common-Prayer, Preaching, or other Service of God, and how long such person hath forborn so to repair and resort, 1 *Eliz.* 2. §. 14. N. 1. & 23 *Eliz.* 1. §. 5. N. 1. 3 *Jac.* 4. §. 27. N. 1.

Affray.

II. *Lamb.* 4. cap. 4. pag. 414. Enquiry at Sessions, If any person have maliciously stricken any other with any weapon in Church or Church-yard, or drawn any weapon there to that intent, 5 & 6 *Ed.* 6. 4. §. N. *Crompt.* 16 *a. b. tit. Religion,* 14.

Market.

III. *Lamb.* 414, 415. Enquiry at Sessions, if any person have kept Fair or Market in the Church-yard, 13 *Ed.* 1. St. 2. *Winch.* cap. 6. §. 1. N. *Crompt.* 16. *in tit. Religion,* 14. N. 5.

Coron.

IV. *Lamb.* 415. Article of charge in Sessions, if any person have feloniously taken Goods out of any Church or Chappel, *Infra* 12, 13.

V. 3 *Jac.* 4. §. 4. N. The Church-wardens and Constables to present monthly absence.

Fish.

VI. 3 *Jac.* 12. §. 2. N. 3. The Constables and Church-wardens, (where offence of destroying Spawn or Fry of Fish is committed) may levy forfeiture by distress and sale of offenders Goods, *Dalt.* 55. cap. 21.

Poor.

VII. *Lamb.* 63, 64. *tit. Church-wardens,* They shall have allowance upon their account of money paid by them for relief of Prisoners, by 14 *Eliz.* 5.

Ways.

VIII. *Lamb.* 65. *ibid.* The Constables and Church-wardens on *Tuesday* and *Wednesday* in *Easter-week*, shall chuse Surveyors of Highways, &c. 2 & 3 *Phil.* & *Mar.* 8. §. N. & 5 *Eliz.* 13. §. N.

Fish.

IX. *Lamb.* 66, 67. Penalty for eating Flesh, &c. to be levied by the Church-wardens after conviction, &c. 5 *Eliz.* 5. §. N.

X. *Lamb.* 67. *ibid.* The Church-wardens, and four, three or two of every Parish, &c. to be Overseers of the Poor, &c. Poor.

XI. *Lamb.* 69, 70. *ibid.* The Church-wardens with six other Parishioners to Tax, &c. for destruction of Crows and Vermin, 8 *Eliz.* 15. Fowl.

XII. *West. Preced.* 2 part 128. sect. 196. An Indictment of Sacrilege or Burglary in a Church in the Night-time; and taking a Communion-Cup, *Indictment.*  
*Lamb. Preced.* 4. pl. 12.

*Juratores pro Domina Regina super sacramentum suum presentant, quod A. B. de Essex. ff. C. in Com' predicti Sailer, 1 die Sept. Anno regni dictae Dominae nostrae Eliz. Dei gratia Angli. Franc. & Hibern. Reginae, Fidei defensor, &c. tricesimo quarto, vi & armis Ecclesiam Parochialem de C. predicti in dicto Comitatu E. felonice & burglariter fregit & intravit noctanter, viz. inter horas decem & undecim post meridiem ejusdem diei, ac unum Chalicem (Anglice vocat' a Communion-Cup) ad valentiam 40 s. de bonis & catallis Parochianorum de C. predicti ad tunc existent' in eadem Ecclesia & tunc ibidem invent' felonice cepit & asportavit, contra pacem dictae Dominae Reginae nunc, coronam & dignitatem suam.*

XIII. *West. Symb.* 2 part 128 b. sect. 197. A Presentment for Sacrilege or Robbery in a Church, and taking two Communion-Cups, &c. Coron.

*Inquiratur, &c. Si I. M. nuper de D. in Com' M. & R. H. nuper de eadem D. Midd. ff. predicti in Com' predicti Yeoman, Laici hominis, &c. 23 die, &c. vi & armis, viz. gladiis, baculis & cultellis, Ecclesiam Parochialem Omnium Sanctorum de E. apud E. in Com' M. predicti, circa hor' 12 in nocte ejusdem diei felonice fregerunt & intraverunt, & duos Chalice de Argento & Auro, duo Vestimenta de nigro Velvet, vocat' Copes, tres pannos lineos, vocat', &c. ad valentiam, &c. de bonis & ornamentis de Parochian' de E. predicti in Com' M. predicti, in custodia I. B. & I. P. Custod' & Guardian' Ecclesiae predicti ad tunc ibidem invent' felonice furati fuerunt, ceperunt & asportaverunt, contra pacem dicti Domini Regis, ac contra formam Statuti ejusdem Domini Regis, Anno regni sui 23 edit' & provisi, &c. (viz. 23 H. 8. 1. §. 3. N. 1.*

XIV. *West. Symb.* 2 part 128. sect. 196. An Indictment of Sacrilege or Burglary, &c. *Indictment.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de Essex. ff. C. in Com' E. predicti Sailer, primo die Septemb. Anno regni, &c. vi & armis Eccles. Parochial. de C. predicti in Com' E. predicti felonice & burglariter fregit & intravit noctanter, viz. inter horas 10 & 12 post meridiem ejusdem diei, ac unum Chalicem Argent', Anglice vocat' a Communion-Cup, ad valentiam 40 s. de bonis & catallis Parochianorum de C. predicti ad tunc existent' in eadem Ecclesia, & tunc ibidem invent' felonice cepit & asportavit, contra pacem dicti Domini Regis nunc, coronam & dignitatem suam.*

XV. *West. Symb.* 2 part 101. sect. 93. An Indictment for drawing a Dagger in the Church Yard with intent to strike, *Lamb. Precedents* 4 b. pl. 11.

*Inquiratur pro Domino Rege si O. F. de L. in Com' E. predicti Generosus 8 die &c. in Cæmeterio Eccles. parochialis de L. predicti in dicto Com' malitiosè extraxit Pugionem suum in quendam J. S. de L. predicti Teoman ea Intentione ad percutiend' predicti J. S. cum dicto Pugione contra pacem dicti Domini Regis nunc, ac contra Form' statut' in Parliam' Domini Edvardi nuper Regis Angliae sexti tent' apud Westm' in Com' Middlesex, Anno Regni dicti nuper Domini Regis V. in hujusmodi Casu provisi ac Editi 5 & 6 Ed. 6. cap. 4. §. 3. N. 1. Essex. ff.*

XVI. *West. Symb.* 2 part 101. b. sect. 94. An Indictment for Fighting in the Church-Yard with a Weapon, contra to 5 & 6 Ed. 6. cap. 4. §. 3. N. 1. *Crompt.* 268. pl. 108.

*Juratores pro Domino Rege super sacramentum suum presentant quod cum in statut' in Parliam' Domini Edw. nuper Regis Angl' 6 apud Westm' Anno Regni sui V. tent' Edit' inter cetera stabilit' Existit, &c. quod si aliqua persona ad aliquod tempus post primum diem Maii tunc proxim' sequent' malitiosè percuteret aliquam personam cum aliquibus Armis in aliqua Ecclesia seu Cæmeterio, Intentione*

ne ad percutiend' alium cum eisdem Armis, quod tunc quilibet persona sic offendens & inde convict' per veredict' xii hominum vel per suam propriam Confessionem vel per. i. legales Testes corā Justiciar' Assisar' Justiciar' audiend' & terminand' sive Justiciar' Pacis in Sessionibus suis virtute illius actus adjudicaret' per eosdem Justiciar' coram quibus talis persona sic convinceretur ad Habend' unam Annum suarum abscissam, & si illa persona sive personæ sic offenderet' non haberet sive non haberent aliquas Aures ita quod illius modi Pœnam subiret ut prefertur, quod tunc ipse vel ipsi signarentur in Bucca Anglicè Cheek Ferro candenti Angl' a hot Iron habent' Hanc literam F. per quam ipse vel ipsi cognosci & haberi possint pugnar' affectores & pugnatores & ultra hoc quilibet talis persona foret, & stare ipso facto excommunicat' prout in statut' plenius Continetur.

Quidam tamen G. B. nuper de S. & c. 2 Die Junii & c. vi & Armis, viz. & c. cum quodam Pugione in quendam T. C. in pace Dei & dicti Domini Regis existent' apud C. in Com' E. predicti in Cæmeterio Ecclesiæ Parochialis de C. predicti Insultum fecit & ipsum T. super Caput suum ad tunc & ibidem malitiosè percussit, & alia Enormia ei intulit ad grave Damnum ipsius T. & contra Pacem dicti Domini Regis nunc & c. ac Contra form' Statut' predicti & c.

### Cinque-Ports.

Peace.

I. Dalt. 163. cap. 68. If a man hath cause to have Surety of the Peace against one dwelling in the Cinque-Ports, he must have a Writ out of the Chancery directed to the Constable of Dover, and to the Warden of the Cinque-Ports; the form thereof see F. N. B. 80.

Circumstances, see Proof & Examination.

Citation, see Ordinary.

Claim, see Market Overt.

Clergy, see Coron.

Clerk of the Market, see Market Overt.

Clerk of the Peace, see Peace.

Cloth, see Draperp.

Cod, see Fish.

Coertion, see Procefs & Durefs.

Coffee-houses, see Ale.

Collectors, see Account & Taxes.

### Collusion.

Fraud, Covin, Cheats, Cozening, Deceits, Counterfeits, Forgery.

Forgery.

I. 33 H. 8. 1. §. 3. N. 1. Two Justices of Peace in every County; whereof one to be of the Quorum, shall have power to call and convent by Procefs or otherwise, to the said Assizes or general Sessions, any suspected of gaining money by false Tokens, or counterfeit Letters, & c. and to commit him or them to ward, or let him or them to Bail till the next Assizes or general Sessions, there to be examined, and further to be ordered by their discretions, Dalt. 47. cap. 17.

Good behav.

II. Dalt. 47, 48. cap. 7. Also it seemeth, that any one Justice of Peace may bind such offender (as Cheaters) to their Good behaviour, and so to the next Assizes or Sessions of the Peace, or else may send such offenders (as idle and disorderly persons) to the House of Correction, there to be continued until the next Assizes or Sessions, and then and there to be forthcoming: yet Quere of sending them to the House of Correction.

Commission, see Justices.

Commitment, see Imprisonment.

Common-Prayer, see Religion.

Common.



## Common.

I. 32 H. 8. 13. §. 6. N. 1. Shall be driven at the Feast of St. Michael, or Days, within 15 days next.

II. Lamb. 475, 476. Enquiry in Sessions, if any have put to feed in any Forest, Forest, Chace, Moor, Marsh, Heath, Common, or Waste ground within this Shire, where any Mares are used to be kept, any Stoned Horse being above two years old, and not being fourteen handfuls high between the lowest part of the Hoof, and the top of the Wither; if any such Forest or Grounds have not been yearly driven within 15 days after Michaelmas, by the Owners or Officers thereto appointed, 32 H. 8. 13.

III. West. Symb. 2 part 112 b. sect. 132. An Indictment for Inclosing of a Indictment: Common, &c. Crompt. 260. pl. 92.

Juratores pro Domino Rege super sacramentum suum presentant, quod est Essex f. & à tempore quo memoria hominum non existit, fuit & esse consuevit apud Villam de A. in Com' E. predict' quædam antiqua Communia vocat' M. eidem Villa adjacens, ac per spacium unius milliarii ab eadem Villa extendens, pro omnibus hominibus & tenent' infra Villam predict' moram trahentibus cum bobus, asinis, porcis, bidentibus, & aliis averiis suis per totum annum infra Communiam predict' depascend', quodq; omnes illi infra Villam predict' moram trahentes à tempore quo memoria hominum non existit infra Villam predict' Communiam pro Averiiis suis predict' ibidem habuere, debuerunt & consueverunt, quousque R. C. cum aliis ignotis de Communia sua ei associatis, vi & armis, scil. gladiis, &c. 10 die, &c. Anno regni, &c. apud A. in parochia de A. predict' de Communia predict' injuria sua propria, & absque titulo, clameo seu possessione per ipsos habitis, mille acras ibidem cum sepibus & fossatis sibi inclusit & obstupavit, & illas sic inclusas & obstupat' ut separale solum suum à predicto die, &c. usque, &c. tenuit & occupavit, in prejudicium & damnum nocument' & impediment' omnium hominum & tenentium predictorum infra Communiam predict' Communiam habentium, necnon contra consuet' predict', & contra pacem dicti Domini Regis, &c.

Concealment, see Omission.

Condition, see Recognizance.

Confession, see Proof.

Congregation, see Riot.

Conies, see Forest & Cattel.

Coy[n], see Money.

## Conjurat[i]on.

Witchcraft, Prophecies, Egyptianis.

I. Lamb. 4. cap. 4. pag. 410, 411. Enquiry in Sessions, if any person have within these six months, advisedly advanced, published and set forth by writing, Printing, open speech or deed, to any other person, any fantastical or false Prophecie upon Arms, Fields, Beasts or Badges, or upon any Time, Name, Bloudshed or War, to make thereby Rebellion, dissention, loss of life, or other disturbance within the Kings Dominions, 5 Eliz. 15. §. N. Crompt. 52. a: b.

II. Lamb. 410. Enquiry in Sessions, if any person have used Invocation or Conjurat[i]on of any evil Spirit, for any cause, or consulted with, fed or rewarded any evil Spirit for any intent.

2. Or have taken up the dead body of any Man, Woman or Child, or any part of any dead person, to be used in any manner of Witchcraft, Sorcery, Charm or Inchantment.

3. Or have used Witchcraft, Inchantment, Charm or Sorcery, whereby any person hath been killed, destroyed, wasted, consumed, pined or lamed in his Body, or part thereof.

4. If any have undertaken by Witchcraft, Inchantment, Charm or Sorcery, to tell in what place any Treasure of Gold or Silver might be found, or where Goods lost or stolen should be become, or to the intent to provoke any person to unlawful Love, or to destroy or impair any persons Goods, or to hurt any person in Body, although the same were not effected, 1 Jac. 12. §. 3. N. 1. *Crompt.* 52 b. *Hales Pleas of the Crown*, tit. *Witchcraft*.

Clergy.

III. *Lamb.* 556. Conjurers or Witches, their aiders or counsellors, shall neither have Sanctuary nor Clergy, 1 Jac. 12. §. 4. N. 2.

Proof.

IV. *Dalt.* 276. (273. bis) cap. 107. Now against these Witches being the most cruel, revengeful, and bloody of all the rest, the Justices of Peace may not always expect direct Evidence, seeing all their works are the works of darkness, and no witnesses present with them to accuse them; and therefore for their better discovery, I thought good here to insert certain observations, partly out of the Book of discovery of the Witches that were Arraigned at *Lancaster, An. Dom.* 1612. before Sir *James Altham*, and *Mr Edward Bromley*, Judges of Assize there, and partly out of *Mr. Bernards Guide to Grand-Jury-men, Bolt.* J.P. 97. cap. 23.

1. These Witches have ordinarily a Familiar or Spirit, which appeareth unto them sometimes in one shape, sometimes in another, as of a Man, Woman, Boy, Dog, Cat, Foal, Fowl, Hare, Rat, Toad, &c. and to these their Spirits they give Names, and they meet together to Christen them, as they speak, *Bern.* 107, 113.

2. Their said Familiar hath some big or little Teat upon their Body, where he sucketh them; and besides their sucking, the Devil leaveth other marks upon their Body, sometimes like a blue spot, or red spot like a Flea-biting, sometimes the flesh sunk in and hollow, all which for a time may be covered, yea taken away, but will come again to their old form; and these the Devils marks be insensible, and being pricked will not bleed, and be often in their secretest parts, and therefore require diligent and careful search, *Bern.* 112, 219. These first two are main points to discover and convict these Witches, for they prove fully, that those Witches have a Familiar, and made a League with the Devil, *Bern.* 60. So likewise if the suspected be proved to have been heard to call upon their Spirit, or to talk to them, or of them, or have offered them to others; so if they have been seen with their Spirit, or seen to feed something secretly, these are proofs they have a Familiar, &c. *Bolt.* 97. cap. 23.

3. They have often Pictures of Clay or Wax, like a Man, &c. made of such as they would bewitch, found in their House, or which they roast or bury in the Earth, that as the Picture consumes, so may the parties bewitched consume, *Bolt.* 97. cap. 23.

4. Other presumptions against these Witches, as if they be given to usual cursing and bitter Imprecations, and withal use threatnings to be revenged, and their Imprecations or some other mischief presently followeth, *Bern.* 61, 205.

5. Their implicate confession, as when they shall accuse them for hurting them or their Cattel, they shall answer, *You should have let me alone then, or I have not hurt you as yet*: these and the like speeches are in manner of a confession of their power of hurting, *Bern.* 206.

6. Their diligent enquiry after the sick party, or coming to visit him

him or her unſent for, but eſpecially being forbidden the Houſe.

7. Their apparition to the ſick party in his Fits.

8. The ſick party in his Fits naming the parties ſuſpected, and where they be, or have been, or what they do, if truly.

9. The common report of their Neighbours, eſpecially if the party ſuſpected be of Kin, or Servant to, or familiar with a convicted Witch.

10. The testimony of other Witches, confeſſing their own Witchcrafts, and witneſſing againſt the ſuſpected, that they have Spirits or marks, that they have been at their meetings, that they have told them what harm they have done, &c. *Bern.* 212, 223.

11. If the dead Body bleed upon the Witches touching it, *Bolt.* 97. cap. 23.

12. The testimony of the perſon hurt upon his death, *Bolt.* 97. cap. 23.

13. The examination and confeſſion of the Children (able and fit to answer) or Servants of the Witch, eſpecially concerning the firſt fix obſervations, ſcil. of the party ſuſpected her threatnings and curſings of the ſick party, her enquiry after the ſick party, her boaſting or rejoycing at the ſick parties trouble: alſo whether they have ſeen her call upon, ſpeak to, or feed any Spirit or ſuch like, or have heard her foretell of this miſhap, or ſpeak of her power to hurt, or of her transportation to this or that place, &c. *Bolt.* 97. cap. 23.

14. Their own voluntary confeſſion, (which exceeds all other evidence) ſcil. of the hurt they have done, or of the giving of their Souls to the Devil, and of the Spirits which they have, how many, how they call them, and how they came by them, *Bolt.* 98. cap. 23.

15. Beſides, upon the apprehenſion of any ſuſpected, to ſearch alſo their Houſes diligently for Pictures of Clay or Wax, &c. Hair cut, Bones, Powders, Books of Witchcrafts, Charms, and for Pots or places where their Spirits may be kept, the ſmell of which place will ſtink deteſtably.

V. *Dalt.* (274.) cap. 107. Now to ſhew you further ſome ſigns to know Proof. whether the ſick party be bewitched: 1. When a healthful Body ſhall be ſuddenly taken, &c. without probable reaſon or natural cauſe appearing, &c. *Bern.* 169.

2. When two or more are taken in the like ſtrange Fits in many things.

3. When the afflicted party in his Fits doth tell truly many things that the Witch, or other perſons abſent are doing or ſaying, and the like.

4. When the parties ſhall do many things ſtrangely, or ſpeak many things to purpoſe, and yet out of their Fits know not any thing thereof.

5. When there is a ſtrength ſupernatural, as that a ſtrong man or two ſhall not be able to keep down a Child or weak perſon upon a Bed.

6. When the party doth vomit up crooked Pins, Needles, Nails, Coals, Lead, Straw, Hair, or the like.

7. When the party ſhall ſee viſibly ſome Apparition, and ſhortly after ſome miſchief ſhall befall him, *Bern.* 173.

VI. *Dalt.* (274, 275.) cap. 107. Note for the better riddance of theſe Indictment, Witches, there muſt good care be had as well in their Examinations taken by the Juſtices, as alſo in the drawing of their Indictments, that the ſame be both of them ſet down directly in the material points; as,

1. That the Witch or party ſuſpected hath uſed Invocation of ſome Spirit.

2. That they have conſulted or covenanted with their Spirit.

3. That they employed their Spirit.

4. That they have fed or rewarded their Spirit.

5. That they have killed or lamed, &c. ſome perſon, &c.

6. And not to Indict them generally for being Witches, &c.



Indictment.

VII. *Lamb. Preced.* 4. pl. 9. An Indictment for killing a man by Witchcraft; *West. Preced.* 2 part 134. sect. 222.

Kanc' ff.

*Juratores pro Dom' Rege super sacramentum suum presentant, quod Sarah B. de C. in Com' predicto vidua, 20 die Aug' Anno regni dicti Dom' nostri Jacobi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defensoris, &c. ac diversis aliis diebus post dictum 20 diem, quasdam Artes detestandas, Anglice vocat' Witchcraft and Sorcery, nequiter & felonice praticavit & exercuit apud C. predict' in Comitatu predicto, in super & contra quendam Johannem N. de C. predict' in dicto Comitatu Labourer, per quas quidem Artes dict' J. N. à predicto 20 die Augusti Anno supradict', usque 24 diem predict' mensis Augusti Anno supradict', periculosissime ac mortaliter egrotabat & languebat, ac eodem 24 die Augusti Anno supradict' idem J. N. per Artes predictas apud C. predict' in Comitatu predict' obiit, & sic Juratores predicti presentant, quod eadem Sarah ipsum Johannem N. apud C. predict' modo & forma supradictis, ex malitia precogitata voluntarie diabolice nequiter & felonice per Artes predictas occidit ac interfecit, contra pacem dicti Domini Regis nostri, ac contra formam Statuti in Parliament' dicti Domini Regis nostri tenet' apud Westm. in Com' Midd. Anno regni sui predicti primo, in hujusmodi casu provisi ac editi.*

Indictment.

VIII. *Lamb. Preced.* 4. pl. 10. A Presentment for bewitching a Horse, *West. Preced.* 2 part 134 b. sect. 223.

Kanc' ff.

*Inquiratur pro Domino Rege, si Sarah B. de C. in dicto Comitatu vidua, 20 die Augusti Anno regni dicti Domini nostri Jacobi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defensoris, &c. quasdam Artes nequissimas, Anglice vocat' Inchantments and Charms, apud C. predict' in Comitatu predict' malitiose & diabolice in super & contra quendam Equum coloris albi pretii quatuor librarum, de bonis & catallis ejusdam I. S. de C. predicta in dicto Comitatu Generosi existentem, exercuit & praticavit, per quod idem Equus dicti I. S. 20 die predict' apud C. predict' omnino impejoratus est & vastatus, contra pacem dicti Domini Regis, ac contra form' Statuti in hujusmodi casu provisi ac editi.*

Indictment.

IX. *West. Symb.* 2 part 134 b. sect. 222. An Indictment of killing a man by Witchcraft, on 5 Eliz. cap. 16.

Effex ff.

*Inquiratur pro Domino Rege, si Mary L. de A. in Com' E. Spinster, 24 Junii Anno regni, &c. ac diversis aliis diebus & vicibus tam antea quam postea, Deum pre oculis suis non habens, sed instigatione diabolica seduct', quasdam malas diabolicas Artes, Anglice vocat' Witchcrafts, Charms and Sorceries, nequiter diabolice & felonice apud H. predict' in Com' E. predict', ex malitia sua precogitata usa fuit, praticavit & exercuit, in & super quendam W. N. pretextu cujus predict' W. à predict' 24 die Junii Anno supradict', usque 24 diem Decemb. Anno regni, &c. predict' languebat, quo quidem 24 die Decemb. supradict' predict' W. ratione practicationis & exercitation' diabolicum Artium predict' apud H. predict' in Com' E. predict' obiit, & sic predict' M. ipsum W. apud H. predict' in Com' E. predict' modo & forma supradict' & ex malitia sua precogitat' interfecit, contra pacem dicti Domini Regis, & contra form' Statuti, &c.*

## Conspiracy.

## Confederacy.

Justices.

I. *Lamb.* 1. cap. 12. pag. 61. And if the Justices of the Peace may by virtue of their Commission, deal with such Conspirators as do confederate together, to cause any person unjustly to be Indicted of Felony, whereof afterwards he is acquitted, (as some do think they may) then is there a special punishment called the Villanous Judgment, &c. in 24 Ed. 3. 74. 4 H. 5. Judgment 220. & 27 Ass. 59.

II.

II. *Lamb.* 4. cap. 5. pag. 498, 499. Though it be said, 35 *H.* 6. 14. & *Indictment.*  
12 *Ed.* 4. 18. if a Bill of Indictment be delivered to a Justice of the Peace,  
at or before the Sessions, which he promiseth to read and to deliver to the  
Jury, and so doth accordingly, that he shall not be charged for it in a  
Writ of Conspiracy; yet may it be thereupon doubted, whether he shall  
be excused if upon conference had he do busie himself either to draw,  
engross, or amend the Bill, before it be preferred to the Enquest that shall  
have it.

III. *Crompt.* 50 b. 51. Enquiry in Sessions, of Conspiracy to enlarge Pri- *Treason.*  
soners commit by the Kings commandment, to take Castles, &c. against  
14 *Eliz.* 2.

IV. *Crompt.* 56 a. b. *Nota*, that though these be Felonies by Statute, yet *Justices.*  
the Justices of Peace cannot enquire of them, as it seemeth, (*viz.* 3 *H.* 7. 13.  
& 1. *N.* 4.) If any Servant (admitted to be the Kings Servant sworn, and  
his name put into the Cheque Roll, &c. under the state of a Lord) make  
any Confederacies, Compassing, Conspiracies, or Imaginations with any  
person to destroy or murder the King, or any Lord of this Realm, or any  
other person sworn to the Kings Council, Steward, Treasurer, Comptroller  
of the Kings House.

V. *Lamb.* 4. cap. 4. pag. 448. Enquiry at Sessions, if any Butchers, Ba- *Marker.*  
kers, Brewers, Poulterers, Cooks, Fruiterers, or any mystery of any of  
them, have conspired or taken any Oath or promise not to sell but at  
prices certain agreed between them, against 2 & 3 *Ed.* 6. 15. §. 1. *N.* 2.  
*Crompt.* 83. *Infra* 8.

VI. *Lamb.* 454. Enquiry at Sessions, if any Artificer, Workman or La- *Trades.*  
bourers have conspired or promised together, or made any Oaths that they  
will not do their Works but at a certain price or rate, or but at certain  
times, or but a certain work in a day, or that one of them shall not take  
upon him to finish that which another hath begun, against 2 & 3 *Ed.* 6. 15.  
§. 1. *N.* 4. *Crompt.* 83.

VII. *Crompt.* 83. So much of the Statute 2 & 3 *Ed.* 6. 15. §. 1. *N.* 4. *Trades.*  
as concerns Artificers, Labourers, &c. is repeal by 5 *Eliz.* 4. §. *N.* as it  
seemeth, *Quere.* See 3 *H.* 6. 1. §. *N.* where Congregations of Masons  
shall be Felony.

VIII. *Crompt.* 131 b. Butchers, Brewers, Bakers, Poulterers, Cooks, Ar- *Victual.*  
tificers, Workmen, &c. who conspire, covenant, or &c. that they will not  
sell their Victual but at certain prices, or will not work, &c. may be con-  
victed by witnesses, confession or otherwise, as appears by the said Statute  
2 & 3 *Ed.* 6. 15. §. 1. *N.* 5. *supra* 5.

IX. *West. Symb.* 2 part 102. sect. 97. An Indictment for Conspiracy to Coron.  
Indict one for stealing a Horse, *Pract. Peced.* 83.

*Juratores pro Domino Rege super sacramentum suum presentant, quod I. P. Essex f.*  
*nuper de I. in Com' E. predict' & R. B. nuper de C. in predicto Com' E. Ge-*  
*nerosos, una cum aliis quamplurimis personis adhuc ignotis, contra legem Do-*  
*mini Regis, ac formam Statutorum in hujusmodi casu provisorum, conspiratione*  
*& covina apud T. predict' 8 die, &c. habit', & diversis temporibus postea*  
*simul unit', confederat' & jurat', falso fraudulenter & malitiose venerunt ad*  
*vindicand', destruend', perturband', placitand', adnihiland', & finaliter ad-*  
*nulland' fideles & innocentes ligeos dicti Domini Regis, pro lucro ad eorum*  
*proprium usum capiend' societatem interunt & adinvicem juraverunt ad simul*  
*standum, contra dictum Dominum Regem, & quoscunque ligeos suos, in omni-*  
*bus & singulis materiis, placitis & querelis per ipsos & eorum quemlibet motis*  
*seu movendis: & si eorum aliquis cum aliquo placita, materiam seu querelam*  
*moveret, quod ipsi & eorum quilibet cum eo sic materiam, querelam seu placi-*  
*tum movent stare & perseverare deberent & deberet, & si aliquis eorum ali-*  
*quam querelam seu placitum nomine alterius personae cujuscunque, versus aliam*  
*personam*

personam super se assumpserit manutenend' extunc eorum quilibet querelam, sectam seu placit' predict' tanquam querelam, sectam seu placitum nomine eorum prosecut' manuteneret, foveret & teneret recto, veritate justitia & jure omnino postpositis & sublat' : Virtute quorum quidem unionis, conspirationis, juramenti, confederationis & manutentionis, predictorum I. P. R. B. & al' sic in unum Global' & Jurat' postea viz. &c. die &c. Anno &c. conspiratione inde inter eos apud C. in Com' predict' prehabita quendam I. H. de eo quod ipse 3 die, &c. Anno, &c. unum Equum pretii, &c. de bonis & catallis predict' I. P. & R. B. apud S. invent' felonice furatus fuit, cepit & abduxit falso & malitiose Indictari procuraverunt, & predict' I. P. & R. B. & alii modo & forma predict' uniti & confederati, diversa falsa placita, sectas & querelas innumerabiles tam nominibus eorum propriis, quam nominibus aliarum personarum eis falso & malitiose congregat' & uniti prosecuti fuerunt & manutenerunt, & indices prosequuntur & manutinent, viz. predict' I. P. ad Hundred' Domini P. Militis apud C. predict' 13 die, &c. Anno, &c. tenet eodem I. ad tunc Ballivo ejusd' Hundredi existent, ad statum & possessionem R. S. & A. uxoris sue annulland', & pro eo quod ad quamlibet Curiam Hundredi ibidem successive tenend' predict' R. uxorem suam ibidem producere requireret, ita quod excessiva Amerciamenta in status eorum depauperationem fuerent & evenerent consideratione Taxator' Amerciament' Curie predict' semper de covina predict' I. P. extiterunt 13 querelas de placito transgressionis nomine W. Y. & R. B. quatuor querelas transgr' nomine W. E. absque vera materia seu justa causa separat' versus predict' R. S. & A. levavit & intravit, ac predict' querentes hujusmodi querelas levare procuravit, ad grave damnum ipsorum R. & A. & contra formam ordinationis in hujusmodi casu provis. &c.

Indictment.

X. *West. Symb.* 2 part 103. sect. 98. An Indictment for a Conspiracy of divers Bakers, touching the making of Bread, *Pract. Peced.* 108. 2 & 3 Ed. 6. cap. 15.

Lincoln.

Juratores pro Domine Regis super sacramentum suum presentant, quod A. B. C. D. E. F. G. H. &c. de M. in dict' Comitatu L. Pistores, 2 die Octob. Anno regni, &c. apud M. predict' in Com' L. predict' insimul convenerunt, conspiraverunt, ac mutuo inter se promiserunt, quod panes denarii de integro frumento per eos seu eorum aliquem tum deinceps faciend' ac vendend' non amplius quam 2 libr. & 6 uncias Troici ponderis habebit & ponderabit, quodcunque in posterum foret unius quarterii frumenti pretium, in dicti Domini Regis contempt', ac in extrem' pauperum dicti Domini Regis subditorum gravamen, necnon contra formam Statuti in hujusmodi casu provisorum ac editorum.

## Constable.

Officer, Headborough, Thirdborough, Tythingman,  
Pety-Constable, Borsholder.

Officer.

I. *Amb.* 1. cap. 3. pag. 14. These Constables were ordained (as it appeareth by 3 H. 4. 9. & 10 H. 4. & *Fitzh.* 172.) to keep the Peace, and to repress Felons, and might take Surety of the Peace by Obligation, if they found any man making an Affray, or otherwise commit him to Prison until he should find such Surety, *Br.* 23. *Dalt.* 4. cap. 1.

Peace.

II. *Crompt.* 6 b. §. 5. Item the Constables of Hundreds, Vills, Wapentakes, Laths and Tythings, were and are Conservators of the Peace by the Common Law, within the Hundreds and their Limits, as appears *tit. Constables* 222 b. & 12 H. 7. 17. & 5 H. 7. 6. 20 Ed. 4. 27. & 13 H. 7. 10.

Commission.

III. *Crompt.* 222 b. And before the Statutes that made Justices of the Peace, the King by his Commission made Conservators of his Peace in the Counties and places where it seemed good to him so to do, and the Authority that was in the Conservators of the Peace by the Common Law, is the same



same Authority that the Constable of a Vill or Wapentake hath at this day by the Common Law, *Dalt.* 47. cap. 16. *Infra* §. 54, 56.

IV. *Dalt.* 3. cap. 1. The High-Constables of Hundreds are Conservators of the Peace within their several Hundreds and Limits, by the Common Law, 12 *H.* 7. 18. *Crompt.* 6 b. 222 b. and therefore these High-Constables at their Pety-Sessions for any Affray made in disturbance of their Court, may imprison the offenders, 11 *Co.* 43, 44. *Dalt.* 46. cap. 16. Pety-Sessions.

V. *Dalt.* 3. cap. 1. Every Pety-Constable within the limits of their several Towns, be Conservators of the Peace at the Common Law, by vertue of their Office; see *tit. Affray, & Forcible Entry, Dalt.* 204. cap. 78. and these Pety-Constables may do what they can to keep the Peace, but they cannot take Surety of the Peace at the request of any man, *Crompt.* 6 b. 222 b. 12 *H.* 7. 18. *Infra* 17. *Kitch.* 47 b. *Infra* §. 65. Peace.

VI. *Lamb.* 1. cap. 3. pag. 15. I have read also that a Constable might at the Common Law, have Bailed a suspect of Felony by Obligat', because he was a Conservator of the Peace, and that both he and the Sheriff lost this Authority by the Statutes 3 *H.* 7. 3. §. 1. N. 2. & 1 & 2 *Phil. & Mar.* 13. the which Statutes in giving that power to Justices of the Peace, do in the opinion of some men take it from the Sheriff and Constable; reported by Justice *Dalison.* Bail.

VII. *Lamb.* 1. cap. 13. pag. 65. And if a Justice of Peace make any Warrant, although it be beyond his Authority, yet is it not disputable by a Constable or other Ministers, but must be obey'd, *Lamb. Duty of Constable,* 19, 20. Process.

VIII. *Lamb.* 2. cap. 2. pag. 118, 119. Besides this, you may see admitted 13 *H.* 7. 10. *Recogn. Br.* 14. by the opinion of the Court, that if a man in the Night-season haunt a House that is suspected for Bawdry, or use suspicious Company, then may the Constable Arrest him to find Sureties of his Good abearing, *Lamb. Duty of Constable,* 12, 13. *Kitch.* 48 b. Imprisonm.

IX. *Lamb.* 2. cap. 3. pag. 134. If one do make an Affray upon a Justice of the Peace, Constable, or such other Officer, he may not only defend himself, but may also apprehend the offender, and send him to the Goal till he will find Sureties of the Peace, 5 *H.* 7. 6. *Crompt.* 223. *Kitch.* 48 a. b. Affray.

X. *Lamb.* 134. *ibid.* And the Justice or Constable may, if need be, command assistance of the Kings people for the pacifying of an Affray, *Dalt.* 33. cap. 8. *Kitch.* 48 a. b. Process.

XI. *Lamb.* 134. *ibid.* If he that maketh an Affray do flee into a House when the Justice of Peace or Constable cometh to Arrest him, they may also in Fresh Suit break open the doors and take him, by *Marwood*; or if he flee thence, they may make Fresh Suit and Arrest him though in another County, by the opinion of some men, 13 *Ed.* 4. 9. and it should seem by the reason of that Book, that in this case also they may break open the doors to apprehend him, *Lamb. Duty of Constable,* 15. Fresh Suit.

XII. *Lamb.* 134, 135. Now if the Constable do Arrest one that hath hurt another, and do wilfully suffer him to escape, and then he that was hurt dieth thereof within the year and day, the Constable shall make a great Fine. and that to the value of his Goods, in the opinion of some, 11 *H.* 4. 12. & *Stamf.* 35. *Lamb. Duty of Constable,* 16, 22, 23. Escape.

XIII. *Lamb. Duty of Constable,* 5. Out of which Office (*viz.* of Constable of England) this lower Constablenesship was at the first drawn and fetcht, and is as it were a very Finger of that hand, 13 *Rich.* 2. 2. for the Statute of *Winchester*, 13 *Ed.* 1. St. 2. cap. 6. §. 1. N. 11. by which these lower Constables of Hundreds and Franchises were first ordained, doth amongst other things appoint, that for the better keeping of the Peace, two Constables in every Hundred and Franchise should make the view of Armour, Officer.

and 13 *Ed. 1. St. 2. cap. 6. §. 1. N. 12.* shall present before Justices assigned such defaults as they do see in the Country about Armour, and of the Suits of Towns, and of Highways: and also shall present all such as do lodge Strangers in uplandish Towns, for whom they will not answer, *Dalt. 46. cap. 16. infra 54. supra 3.*

Officer.

XIV. *Lamb. Duty of Constable, 9.* For as about the beginning of the Reign of *Ed. 3.* Pety-Constables were devised in Towns and Parishes for the aid of the Constables of the Hundred, (or High-Constables) so of later times also Borsholders, Tythingmen, Headboroughs, and such like have been used as Pety-Constables within their own Boroughs and Tythings, *Dalt. 46. cap. 16. infra §. 54. 4 Ed. 3. 10.*

Arrest.

XV. *Lamb. Duty of Constable, 12. §. 13.* Any of these Officers may also Arrest such strange persons as do walk abroad in the Night-season, and for that cause 13 *Ed. 1. cap. 4. of Winchester,* did ordain, that Night-watches should be kept yearly, &c. and of these Watches the Officers, &c. have the charge within the limits or places of their Authorities; as the Constable in his Town, the Borsholder in his Borough, and the High-Constable within all his Hundred: and these Officers ought to see these Watches duly set and kept, and ought also to cause Hue-and-cry to be raised after such as will not obey the Arrest of such Watchmen.

Force.

XVI. *Lamb. ibid. 13, 14.* Again, if any person whatsoever (except the Kings Servants and Ministers in his presence, or in executing his Precepts, or other Officers, or such as shall assist them, and except it be upon Hue-and-cry made to keep the Peace, &c.) shall be so bold as to go or ride Armed, by night or by day, in Fairs, Markets, or any other places, against 2 *Ed. 3. 3. §. 1. N. 4.* then any Constable, or any of the said Officers may take such Armour from him for the Kings use, and may also commit him to the Goal; and therefore it shall be good in this behalf for these Officers to stay and Arrest all such persons as they shall find to carry Dags or Pistols, or to be apparelled with Privy-Coats or Doublets, as by the Proclamation made 21 *Eliz.* they are specially commanded, 12 *Rich. 2. 6. Crompt. 223 b.*

Arrest.

XVII. *Lamb. Duty of Constable, 14.* If any man do threaten to kill another, and he which is so threatned do pray any of these Officers to Arrest the other to find Sureties of the Peace, then may such an Officer Arrest him to find such Surety before a Justice of the Peace, and may also carry him to Prison if he refuse to find it; but if he yield to go, it shall be good to take the party threatned to the Justice with him, *supra 5. Crompt. 223. Kitch. 47 b. & 4 Ed. 3. Barre 102.*

Peace.

XVIII. *Lamb. ibid. 15.* If a Constable or any other of the said Officers, shall see any men going about to break the Peace, as by using hot words, by which an Affray is like to grow, then ought such Officers to command those persons to avoid upon pain of Imprisonment: and if they will not depart, but shall draw weapon or give any blow, then ought he to do his best to depart them and to keep them asunder, and he may for that purpose both use his own weapon, and may also call others to assist him, 3 *H. 7. 10. & 21 H. 7. 21.*

Process.

XIX. *Lamb. Duty of Constable, 17.* Any of these Officers may of his own Authority, Arrest one that is Indicted of Felony; so if the common voice and fame be, that *A. B.* hath done a Felony, that is sufficient cause for any of these Officers that shall therefore suspect him, to Arrest him for it, *Dalt. 303, 352, 353.*

Seizure.

XX. *Lamb. Duty of Constable, 17, 18.* And if any man shall flee upon Felony, it is the Office of the Constable of the Town, or of any of those other Officers there, to seize his Goods, and to keep them safely, for he is to answer for the loss or impairing of them, and therefore it is meet that he

Do it by Inventory taken in the presence, and by the testimony of the honest Neighbours, 3 *Ed. 3. iter Northumb.* 1 *R. 3. 3. §. 1. N. 4. Dalt.* 293. cap. 110. *Poult. de Pace* 235. *Forfeiture*, 44. 33. 70. *Stamf.* 192.

XXI. *Lamb. ibid.* 18. I like well of their opinion which do hold 1 *H. 7.* Imprisonment 7. that if Information be given to any such Officer, that a man and a woman be in Adultry or Fornication together, then the Officer may take company with him; and that if he find them so, he may carry them to Prison.

XXII. *Lamb. ibid.* 18. But this is to be marked, that in the cases before, and such-like, where such an Officer hath arrested, or hath in his ward any Offender that ought to be carried to the Goal, there such an Officer is not bound forthwith to carry him, but may well for a reasonable time keep him in the Stocks, until that convenient provision of strength may be made to convey him safely thither, 22 *Ed. 3. 35. & 3 H. 4. 9. Crompt.* 224.

XXIII. *Lamb. Duty of Constable*, 20, 21, 22. If a Warrant for the peace or good abearing happen to be directed to any of these said Officers, then ought he with all speed and secrecie to find out the party; and then also may he lay his hands upon him, and shew him the matter, and require him in the King's Name to go with him, to put in Surety according to the Warrant, 21 *H. 7. 39.* Process.

And this if the party shall refuse to do, then ought such Officer forthwith to arrest him, and to convey him to Prison, without carrying him to any Justice; in which doing, if the party shall offer any resistance, or seek to escape, then also may such Officer justify the beating or hurting of him; but if the party shall yield to go, and give Surety, and yet will not go to such Justice as made out the Warrant, but to some other Justice, then ought such Officer to give him that liberty, so that it be not far out of the limit; for else so great travel might follow upon the Officer, as rather he than the Offender might seem to be punished by it, 21 *H. 7. 20.*

And here the Officer must take regard, and consider whether the Warrant do come directly from the meer authority of the Justices of Peace, or else be grounded upon a Writ of *Supplicavit* sent down from higher authority; which difference ought to appear plainly in all Warrants that be well and orderly made; And if the Warrant be grounded upon such a Writ, then may such Officer compel the party to go to the very same Justice or Justices of Peace that made out the Warrant, and otherwise he may convey him to Prison, &c.

Neither is it requisite that such an Officer should dance after the party, as many use to do, till he can find out Sureties; but he may lawfully keep him until that he can get Sureties to come unto him; the ignorance of which point is the cause both that many an evil man escapeth, and many an honest Officer is punished for it.

But here it happeneth many times, that the party hearing that such a Warrant is granted against him, offereth himself with Sureties for that cause unto some other Justice of the Peace, or findeth such Surety in some of the Courts at *Westminster*, 21 *Jac. 8. §. 3.* and so hath a *Supersedeas* ready to shew such Officer as cometh to him with a Warrant, &c. then is the Officer discharged thereby, and ought not any longer to molest the party; But yet it shall be good that such Officer do keep the *Supersedeas* for his better discharge, and shew it to the Justice from whom he received the Commandment of service, lest otherwise he be called to account for not serving the Warrant that was sent unto him.

XXIV. *Lamb. Duty of Constable*, 22. If a Warrant be directed to a Constable, or such other Officer, to arrest one that is Indicted of Felony, then may such Officer justify the killing of such a party, if it be so that he cannot otherwise take him, or if so be that he resist, or fly when he is taken, 22 *Ass. 59. Coron* 261, 288, 328. M m 2 XXV: Process.



- Justices.** XXV. *Lamb. Duty of Constable*, 23, 24. §. 17. All Constables and other Officers ought to be attendant, aiding and assisting to the Justices of Peace for the execution of all Acts made in or before 33 H. 8. 10. §. N. concerning Retainers, Liveries, Maintenance, Imbracery, Bow-staves, Archery, unlawful Games, Forestallors, Regrators, Victuallers, Inn-holders, or any of them, on pain to make such Fine as by two of the said Justices shall be assessed.
- Physicians.** XXVI. *Lamb. ibid.* 24. All Constables, &c. within London, or 7 miles, ought, upon request made, to aid and assist the President of the Colledge of Physicians, &c. for the due execution of the Statutes 14 & 15 H. 8. 5. §. N. & 32 H. 8. 40. §. 1. N. 3.
- Purveyance.** XXVII. *Lamb. Duty of Constable*, 25. §. 19. No Purveyor of the King ought to take any Horse or Cart, &c. but by delivery of the Mayor, Bailiff, Constable, or such other Officer of the place whence that taking shall be, 28 H. 6. 2. *Crompt.* 223 b. 224 b.
- War.** XXVIII. *Lamb. ibid.* 27. §. 22. All Constables, &c. of the Parish or place where any of the King's Souldiers beyond the Seas, being mustered of Record, shall happen to arrive, may arrest and stay such Souldiers, till it be enquired whether they be lawfully departed from their Captains, or no, 18 H. 6. 19. §. N. *Crompt.* 224 a. b.
- Petty-sessions.** XXIX. *Lamb.* 29. §. 24. It seemeth to me that the words High-Constable, High-Tythingman, and head Officers, (in 14 Eliz. 5. §. 37. (2.) N. 2. for levying relief for Goal, &c.) do exclude Petty-Constables, Borsholders, and such-like, to meddle therein; because none are called High, or Head, but in comparison of Low and Base, *Lamb.* 51. §. 46. *ibid.*
- Officer.** XXX. *Lamb.* 29, 30. *ibid.* High-Constables of Hundreds in all such Shires where Petty-Sessions for Servants and Labourers (otherwise called Statute-Sessions) were used to be kept, before the first day of the Parliament 5 Eliz. 4. §. 48. N. 1. may yet still hold their said Sessions, so that nothing be done in them repugnant to the Statute, &c.
- Indictment.** XXXI. *Lamb. ibid.* 30. The Constables of Hundreds and of Franchises ought to make presentment to the Justices of Peace, and to all other Justices thereto assigned, of the defaults of Watches, and of the defaults of the King's Highways not enlarged, fenced, &c. and of lodging strangers, 13 Ed. 1. cap. 4, & 5. of Winchester.
- Petty-sessions.** XXXII. *Lamb. Duty of Constable*, 30. §. 27. And every Constable of Hundred, &c. 4 Ed. 4. 1. §. 6. N. 3. may hear and determine Complaints of Cloth-workers, &c. by examination of parties, and may commit to Goal such as refuse to pay their work-folks, *Crompt.* 224 b.
- Forfeitures.** XXXIII. *Lamb.* 30, 31. *ibid.* Estreats indented ought to be made by the Clerks of the Peace and Stewards of Leets, of all Forfeitures arising in the Sessions of the Peace, or in Leets, upon the Statutes of High-ways, 2 & 3 Ph. & Mar. 8. §. 2. N. 11. & 5 Eliz. 13. §. 10. N. 1. of which Estreats one part ought to be delivered yearly within six weeks after Michaelmas to the Constable and Church-wardens of the Parish in which that default was made; to the intent that such Bailiff and High-Constable may levy, &c. And the Constables and Churchwardens may call the said Bailiff and High-Constable to account before two Justices of the Peace, one being of the Quorum, &c. *Lamb. ibid.* 35 a. b.
- Poor.** XXXIV. *Lamb. Duty of Constables*, 32. §. 29. The High-Constable in whose limit the Parish is situate, must pay at every Quarter-Sessions to one of the Treasurers of the Shire such moneys as the Churchwardens there have paid to him for the Prisoners in the Marshalsea and Kings Bench, upon pain of 20s. to be lost for every default, 43 Eliz. 2. §. 14. N. 3. And the like shall be done (by 43 Eliz. 3. §. 5. N. 2.) for disabled Souldiers and Mariners, &c. *Lamb.* 37. *ibid.* §. 38.

XXXV. *Lamb. ibid.* 32. §. 31. The Minister or Curate of the Parish, and Pope, the Constable, Headborough, or Tythingman of the Town to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof, and shall enter the same into a Book to be kept in every Parish for that purpose, and shall certify the same to the next Quarter-Sessions of the Peace in that County, 35 *Eliz.* 2. §. 7. N. 1.

XXXVI. *Lamb.* 33. If any common Inn-holder or Alehouse-keeper will <sup>Hostler,</sup> not lodge such as travel, the Ruler, Constable, or other Officer of the Town, may compel him thereto, 5 *Ed.* 4. 3. *Action super Casum. Br.* 76. *Crompt.* 223.

XXXVII. *Lamb.* 33. *ibid.* §. 33. No person retained in Husbandry, &c. <sup>Husbandry,</sup> may not depart (after the time of such retainure expired) out of the Town or Parish, &c. unless he have a Testimonial under the Seal of the Constable, or other head Officer, and of two other honest Housholders, &c. 15 *Eliz.* 4. §. 10. N. 4.

XXXVIII. *Lamb. ibid.* 36, 37. After the two Justices of Peace have rata- <sup>Tax,</sup> bly assessed every Town and Parish for damages on default of Hue and Cry, then may the Constable or Headborough ratably tax every Dweller and Inhabitant, &c. 27 *Eliz.* 13. §. 5. N. 2.

XXXIX. 2 & 3 *Ed.* 6. 10. §. 4. N. 2. That the Bailiffs and Constables of <sup>Coron,</sup> every Borough, or Market-Town, or other Town where any Mault shall be made, shall view, search and survey all such Mault as shall be made or put to sale within the said Towns, *Lamb. Duty of Constable* 37. §. 39.

XL. *Lamb.* 40, 41. After whipping, the same sturdy Rogue shall have a Poor, Testimonial, subscribed with the Hand and Seal of the same Justice, Constable, Headborough or Tythingman, and of the Minister of the same Parish, or of any two of them, testifying the same according to the Act, &c. 39 *Eliz.* 4. §. 3. N. 3.

XLI. 1 *Jac.* 7. §. 6. N. 1. & §. 7. N. 1. Every person shall apprehend, or <sup>Poor,</sup> cause to be apprehended, Rogues, Vagabonds and sturdy Beggars as they shall see or know to resort to their Houses to beg, and shall cause them to be carried to the next Constable or Tythingman; and that if such Constable or Tythingman do not cause them to be punished according to 39 *Eliz.* 4. §. 3. N. 2. they shall forfeit 20 s. for every default, *Lamb. Duty of Constable,* 43.

XLII. *Lamb. Duty of Constable* 50, 51. Those four Justices of Peace that <sup>ways,</sup> tax for amendment of Highways, by 22 *H.* 8. 5. §. 4. N. 2. ought to make that Taxation by the assent of the Constables, or two of the most honest Inhabitants of every Town or Parish.

XLIII. *Lamb. ibid.* 51. §. 47. The Constable, or other inferiour Officer, <sup>Trespas,</sup> must whip Hedge-breakers, Robbers of Orchards and Gardens, Cutters of Corn and Wood, as be for that purpose committed to them, &c. 43 *Eliz.* 7. §. 2. N. 1.

XLIV. *Lamb. ibid.* 53. By 1 *Jac.* 31. §. 7. N. 1. every Constable, Head- <sup>Poor,</sup> borough, or other chief Officer of the County, of or in any Town, Village or Hamlet, out of any City, Borough, Town-corporate, privileged place or Market-Town, may command or appoint any person infected, or being or dwelling in any house infected, &c. to keep his house, for avoiding infection; and may appoint Searchers, Watch, &c.

XLV. *Crompt.* 222, 223. A Constable may make a Deputy to execute <sup>Deputy,</sup> his Office in his absence; for he may be sick, when, &c.

XLVI. *Crompt.* 223 b. There be 10 houses that should find a Constable <sup>Hertion,</sup> by the house annually in a Vill, and one man purchaseth 2 of them, he shall find a Constable 2 years, &c. 21 *Ed.* 4. 54.

XLVII. *Crompt.* 223 b. It was said, 7 *Ed.* 4. That Guardians of the <sup>Peace,</sup> Peace at the Common-Law may enquire of Congregations and unlawful

ful Assemblies, and also of Disseisin with Force, but not of Entry with Force.

Fowl. XLVIII. 24 H. 8. 10. §. 7. N. 2. If any Owner or Farmer refuse to pay money assessed for destroying Crows and Vermine, &c. then upon complaint and proof thereof made to any of the Justices of Peace or High-constable, they shall cause the said Tax to be levied by distress, &c. of every such Farmer or Occupier, *Crompt.* 225 a. b.

Sessions. XLIX. *Lamb.* 390, 391. The Bailiffs of Franchises and the Constables of Hundreds are to serve at the Sessions, the one as Ministers, and the other as Jurors, and therefore ought to give their attendance; and every of those (except the *Custus Rotulorum*, for thereof I doubt) may without controversy be amerced, if they make default.

Election. L. *Dalt.* 46. cap. 16. Every Justice of Peace may cause two Constables to be chosen in each Hundred, *Lamb.* 2. cap. 7. pag. 185, 186. And this seemeth to be meant of the High-constables of Hundreds, and to include and imply of congruence the swearing of them; and seemeth to be by virtue and force of the Statute of *Winchester*, 13 Ed. 1. St. 2. cap. 6. §. 1. N. 11. and of the first *Assignavimus* of the Commissioner, §. *Lamb. Constables* 5. *supra* §. 13.

Wales. LI. *Dalt.* 46. cap. 16. And by the Statute of 34 H. 8. 26. §. N. two Justices of the Peace (the one being of the *Quorum*) may appoint the High-Constables in *Wales*, 4 H. 4. 29. *Crompt.* 224.

Election. LII. *Dalt.* 46. *ibid.* And yet the usual manner is, that these High-Constables of Hundreds be chosen either at the Quarter-Sessions of the Peace, or if out of the Sessions, then by the greater number of the Justices of the Peace of that Division where they dwell; and likewise that they be sworn either at the Sessions, or by Warrant from the Sessions, which courses hath also been often allowed and commended unto us by the Judges of Assize.

Justices. LIII. *Dalt.* 46. *ibid.* Also in such manner as they are to be chosen, in the same manner and by the like Authority are they to be removed, &c. so as if there shall be cause to remove and put an High-Constable from his place, it hath not been thought fit that any one or two Justices of Peace should do it upon their discretion, but that it should be done by the greater part of the Justices of that Division, and that for some just cause, or else that it be done at and in the General Sessions of the Peace: and so was the direction of Sir John Dodridge at Summer-Assizes at *Cambridge*, Anno 1620.

Sheriffs. LIV. *Dalt.* 46, 47. cap. 16. It appeareth 12 H. 7. 18. pl. that whereas the Sheriffs of the Counties at the first had the Government of their Counties committed to them, that afterwards by reason of the multitude of people, and for that it was too great a thing for one person (*viz.* the Sheriff) to undertake, therefore Hundreds were divided and derived out of the Counties, and in every Hundred there was ordained a Conservator of the Peace, who was called the High-Constable; and after Boroughs or Towns were made, and within every of them also was ordained a Conservator of the Peace, who is called the Pety-Constable, and in some places the Borough-head; and this was long before the times that Mr. *Lambert* (*Constables*, 9. *supra* §. 14.) speaketh of: So that it may seem, that as well the High-Constables as the Pety-Constables, and their Authorities were by the Common-Law, and that the old Statutes concerning them, are but a recital of the ancient Common-Laws, *Kitch.* 47 b. *infra* §. 65. *Dalt.* 3. *supra* §. 5.

LV. *Dalt.* 47. *ibid.* The chusing and swearing of these Pety-Constables is reputed properly to belong to the Court-Leet, yet we find it usual and warranted by common experience, that every Justice of Peace doth also swear



swear them, and upon just cause doth and may also remove them, *Dalt.* 363. *infra* §. 62.

LVI. *Dalt.* 47. *ibid.* But in ancient time both the High-Constables of <sup>Sheriff.</sup> Hundreds, as also the Pety-Constables of every Town, were yearly appointed by the Sheriff in the Tourn, and were there sworn or received their Oath; and it seemeth that they may still be chosen, or appointed and sworn in the Sheriffs Tourn, as well as in the Leet, *Crompt.* 222 *b.* *supra* §. 3. & 13.

LVII. *Dalt.* 31. cap. 7. Constable, &c. is not fit to be allowed to be an Ale. Alehouse-keeper, 12 *Ed.* 2. 6. *York.* *F.N.B.* 172.

LVIII. 4 *Jac.* 5. §. 7. N. 1. All Constables, Church-wardens, Headbo- <sup>Ale.</sup> roughs, Tythingmen, Alecunners and Sidesmen, shall in their Oaths be charged to present Tiplers, &c.

LIX. *Crompt.* 147. *dicitur*, 38 *H.* 8. *Faux Imprisonment*, *Br.* 6. 41. That a Affray. man cannot Arrest him that made an Affray, after the Affray is passed, without a Warrant; contrary before the Affray, and in time of the Affray, *Lamb.* 131. *Dalt.* 33. cap. 8.

LX. *Lamb.* *Preced.* 24 *b.* pl. 69. A Warrant or *Supersedeas* for the remo- <sup>Supersedeas.</sup> ving of a Pety-Constable, and for the swearing of another.

*Carolus Secundus Dei gratia, &c. Vicecom' Midd. necnon Capitali Constabulario Villæ Hundredi de W. & eorum cuilibet, salutem. Quia W. P. & R. S. Sub-constabularii Villæ de C. & K. certis de causis nos moventibus ab Officio suo amoveri & exonerari fecimus; Ideo vobis & cuilibet vestrum conjunctim & divisim precipimus & mandamus, quod I. F. & R. M. ad omnia & singula eidem Officio incumbencia bene & fideliter exercenda & exequenda, prout ipsi nobis inde respondere voluerint jurare faciatis; dictisq; W. P. & R. S. similiter injungentes, quod ipsi de dicto Officio ulterius exercendo & exequendo nullatenus se intromittant, quousque aliud de nobis habuerint mandatum, & quicquid inde feceritis Justiciariis nostris ad pacem nostram in dicto Comitatu conservand' assignat' ad proximam Generalem Sessionem pacis apud C. in dicto Comitatu tenendam certificetis, hoc preceptum nostrum tunc & ibidem remittentes. Teste T. M. uno Justiciar' nostrorum predictorum tali die, &c. *Dalt.* 362. cap. 121. *Boult.* 1. cap. 72. pag. 319, 320. lib. 3. pag. 175.*

LXI. *Dalt.* 363. *ibid.* Upon such Warrant, *Quare* who shall give the Oath. Oath to the new Constables, whether the High-Sheriff, or High-Constable that shall execute such Warrant, or the Justice of Peace that granted out such Warrant.

LXII. *Dalt.* 363. cap. 121. This Authority of removing Pety-Consta- <sup>Leet.</sup> bles, and of chusing and swearing new, is reputed properly to belong to the Leet, *Br.* 14. that being one of the ancientest Courts of the Realm; and if the new Elect be not present at the Leet to take his Oath accordingly, then upon Certificate or notice thereof to any Justice of Peace of that County, the Justice doth use to send his Warrant for the party so chosen, and to give them their Oath: and I have seen some Precedents to such purpose as followeth.

*To our Loving Friend A. B. of W. Teoman.*

**T**Hese are in his Majesties Name to charge and command you, to make your repair unto us, or to some other Justice of the Peace of this County, to take the Oath of a Constable, to serve his Majesty within the Town of *W.* (if they were not chosen at the Leet, but if they were, its said further, According to the choice made of you by the Jury at the last Leet holden in your Town) and hereof fail you not. Dated, &c. *Boult.* 1. cap. 72. pag. 329.

LXIII.

Justices.

LXIII. *Dalt.* 363. cap. 121. Also in default of the Leet, or otherwise where there shall be just cause to remove a Pety-Constable for his insufficiency, or any misdemeanour or other cause, every Justice of Peace *ex officio*, as it seemeth, may remove the old Constables, and may chuse and swear new: which also we see to be warranted by common experience.

Oath.

LXIV. *Dalt.* 363, 364. *ibid.* The form of the Oath concerning the Office of a Constable, *Kilb. Preced.* 233.

**Y**ou shall swear that you will well and truly serve our Sovereign Lord the King in the Office of a Constable. 2. You shall see and cause His Majesties Peace to be well and duly kept and preserved, according to your power. 3. You shall arrest all such persons as in your sight and presence shall ride or go Armed, offensively; or shall commit or make any Riot, Affray, or other breach of His Majesties Peace. 4. You shall do your best endeavour, upon complaint to you made, to apprehend all Felons, Barretors and Rioters, or persons riotously assembled. 5. And if any such Offender shall make resistance with force, you shall levy Hue-and-cry, and shall pursue them until they be taken. 6. You shall do your best endeavour that the Watch in and about your Town be duly kept, for the apprehending of Rogues, Vagabonds, Night-walkers, Eves-droppers, Scouts, such as go armed, and the like. 7. And that Hue-and-cries be duly raised and pursued, according to the Statute of *Winchester*, against Murderers, Thieves and other Felons. 8. And that the Statutes made for the punishment of Rogues, and Vagabonds, and other idle persons coming within your Bounds and Limits be duly put in execution. 9. You shall have a watchful eye to such persons as shall maintain or keep any common house or place where any unlawful Game is or shall be used; as also to such as shall frequent or use such places, or shall use or exercise any unlawful Games, there or elsewhere, contrary to the Statutes. 10. At your Assizes, Sessions of the Peace, or Leet, you shall present all and every the Offences done contrary to the Statutes made (1 *Jac.* 9. & 4 *Jac.* 5. & 21 *Jac.* 7.) to restrain the inordinate haunting and tippling in Inns, Alehouses and other Victualling-houses, and for repressing of Drunkennes. 11. You shall there likewise true presentment make of all Bloudsheddings, Affrays, Out-cries, Rescous, and other Offences committed or done against the Kings Majesties Peace within your limits. 12. And you shall have a care for the maintenance of Archery, according to the Statute. 13. You shall well and duly execute all Precepts and Warrants to you directed from the Justices of Peace of this County. 14. And you shall well and duly, according to your knowledge, power and ability, do and execute all other things belonging to the Office of a Constable, so long as you shall continue in this Office. So help you God. *Kitch.* 47. *Bonlt.* 1. cap. 72. pag. 320.

Peace.

LXV. *Kitch.* 47 b. By the Common-Law, before there was any Justices of Peace, Constables of every Vill were Conservators of the Peace, *Br.* 2. within their Vills, *Dalt.* 3. cap. 1. *supra* §. 5. & 46. *supra* §. 54. *Lamb. Constables*, 9. *supra* §. 14.

Officer.

LXVI. *Kitch.* 47 b. Constables were ordained for the intents to keep the Peace, and also to pursue Felons, and to take Surety by Obligation of such persons as they found making Affrays.

Poor.

LXVII. *Kitch.* 47 b. Constables have power to examine Vagabonds, and compel them to find Surety of their Good behaviour; and if they cannot, to commit them to the next Goal, 1 *R.* 2. 5. *Vagabonds*, *Rast.* 5.

Apprentice.

LXVIII. *Kitch.* 48. Constable may arrest Servant, Labourer, Vagrant, unless he hath Letters containing the cause of his Journey, and the time of his return, under the Kings Seal, and may put him in the Stocks until he hath found Sureties to serve, 12 *R.* 2. 3. *Vagabonds*, *Rast.* 7.

LXIX.

LXIX. *Kitch.* 48. Constables have power to commit every one using unlawful Games, until the Offender be bound in an Obligation to the King's use, that he will not use any unlawful Games, 6 H. 8. 2. *Archery, Rast.* 2. *Crompt.* 79.

LXX. *Kitch.* 48. Constables, on complaint, may arrest Boatmen and Watermen that take more then is limited for them to take, and commit them to ward for their misdemeanours, and to make a fine for the same, 6 H. 8. 7. *Passage, Rast.* 8.

LXXI. *Kitch.* 48. Constables have power to committ Beggers to the Stocks who offend, 22 H. 8. 12. 14 *Eliz.* 5. *Vagabonds, Rast.* 29.

LXXII. *Kitch.* 48. A Constable was ordained to keep the Peace, and may take a Surety of the Peace, by Obligation, of one, if he find him making Affray, 10 *Ed.* 4. 18. *Surety, Br.* 26.

LXXIII. *Kitch.* 48 b. A Constable cannot take a Recognizance (*Br.* 14.) to keep the Peace, but an Obligation, *Surety, Br.* 26.

LXXIV. *Kitch.* 48 b. Stocks are ordained properly to punish Vagrants, and Servants for Wages, 10 *Ed.* 4. 18. *Surety, Br.* 26. see 7 H. 4. 17. §. N.

LXXV. 2 & 3 *Ph. & Mar.* 10. §. 4. N. 2. Bailiffs and Constables of Town where any ill Mault shall be made or put to sale, shall search and survey all such Mault made within the said Town, &c.

LXXVI. *Crompt.* 6b. §. 5. *Item*, The Constables of Hundreds, Vills, Wapentakes, Laths and Tythings, were and are Conservators of the Peace by the Common-Law within the Hundreds and their Limits, as appears *Crompt.* 222 b. *tit. Constables*, 12 H. 7. 17, 18. 5 H. 7. 6.

20 *Ed.* 4. 7. 13 H. 7. 10. *Finch. Nomot.* 127. (136.) cap. 22.

LXXVII. *Dalt.* 3, & 4. cap. 1. The High-Constables of Hundreds are Conservators of the Peace within their several Hundreds and Limits by the Common-Law, *Crompt.* 6. §. 5.

2. And therefore these High-Constables at their Pety-Sessions, for any Affray made in disturbance of their Court, may imprison the Offenders, 11 *Co.* 43, 44.

3. Every Pety-Constable within the limits of their several Towns, be Conservators of the Peace at the Common-Law, by virtue of their Office, *Peace, Br.* 13.

4. There be other Officers of much like Authority to our Constables, as the Bortholders in *Kent*, the Third-borough in *Warwickshire*, and the Tythingman and Borough-head, or Headborough, or chief Pledge in other places.

5. But yet the Office of a Constable is distinct, and as it seemeth of more and greater authority and respect than these; as in 39 *Eliz.* 4. §. 3. N. 3. where the Tythingman or Headborough is to be assisted in the punishment of Rogues with the advice of the Minister, and one other of the Parish; whereas the Constable alone of himself, as well as the Justice of Peace, may appoint or cause Rogues to be punished.

6. And Mr. *Lambert* seemeth to hold, that these Bortholders, Third-boroughs, Tythingmen, Headboroughs, and such other, being in a Town or Parish wherein a Constable is, those other cannot meddle, because Constables be in comparison of them head Officers; and that the Tythingmen, &c. are but as assistants to the Constable in all services of his Office when the Constable is present; and in his absence, then these other to attend the Service. And that there are many other things which the Constables may do, and wherewith the Bortholders and the rest cannot meddle at all.

7. And yet in Towns where there be no Constables, and that the Bortholders, Third-boroughs, Tythingmen, Headboroughs, and such other, be



there the only Officers for the Peace; as also in such cases where the Power or Authority of the Borsholder, &c. is declared to be equal with the Power of the Constable: In all such cases and things their Office and Authority be in a manner all one, 1 Jac. 7.

8. And now, for that these Pety-Constables be much absent from their houses and homes, partly by reason of their Employments in their Office, and partly by reason of their own private occasions; especially in our and other like parts of the Land, where these Officers are for the most part Husbandmen, and so most part of the day in the Fields; it would prove very serviceable, if (by a Law to be made in Parliament) every Town and Village were to have a Tythingman, or such other Officer, or the like, to attend this service of the Constable, in his absence at the least; for that for want of such assistance, Rogues, Vagabonds and the like, knowing their times, now travel up and down far more boldly.

Peace.

9. If any man shall make an Affray or Assault upon another in the presence of the Constable or Borsholder; or if any man in the presence of the Constable shall threaten to kill, beat or hurt another, or shall be in a fury, ready to break the Peace; In every of these cases the Constable or Borsholder may commit the Offender to the Stocks, or to some other safe custody, for the present, as his or their Quality requireth.

10. And after may carry them before some Justice of the Peace, or to the Goal, until they shall find Surety for the Peace; which Surety the Constable himself may also take by Obligation to be sealed and delivered to the King's use; And if the party will not find such Surety to the Constable, he may Imprison the party until he shall do it.

Imprisonm.

LXXVIII. *Dalt.* 4, 5. cap. 1. I have seen the Report of *Trin.* 35 *Eliz.* Rot. 1458. C. B. *Skarret* against *Hanmer*.

In *Faux Imprisonment* for arresting the Plaintiff, and Imprisoning him, &c. The Defendant to the Imprisonment pleaded that he was High-Constable of the Hundred of *E.* in the County of *S.* and that the Plaintiff made an Affray within the said Hundred upon one *H. W.* who presently came to him, and told him thereof, and swore upon a Book, that he was in fear of his life by the other, whereupon the Defendant came to the Plaintiff, and arrested and imprisoned him until he had found sufficient Sureties for the Peace; upon which the Plaintiff demurred.

Peace.

2. And it was adjudged that the Plea of the Defendant was insufficient; 1st. For that he was not present at the Assault and Affray; and 2d. For that he was the High-Constable of the Hundred, and not Constable of the Town.

Bail.

3. In the argument of this Case, *Anderson* held Constables to be Conservators of the Peace at the Common-Law, and still so to be; and that they ought to preserve the Peace as much as in them lieth. *But that* (said he) *was by parting of men which he should see breaking of the Peace, and to carry them before a Justice of Peace, to find Sureties for keeping thereof; but to take Sureties himself the Constable cannot.*

Certificate.

4. And those which hold that he may take Surety, cannot tell what Surety that should be; for he cannot take a Recognizance, nor Bail; for he is no Officer of Record.

5. And if he should take an Obligation; how the same shall be certified, and into what Court, *Anderson* said he knew not; and that it should be very inconvenient to give such Authority to every Constable. But by *Walmesly*, *Owen* and *Beaumont*, although a Constable cannot take Surety of the Peace by Recognizance nor Bail, yet he may take an Obligation, according to 10 *Ed.* 4. 18. *Surety*, Br. 26. And if the Affray be in their presence, they are Conservators of the Peace, and therefore may use such means

## Constable.

means for the keeping of the Peace, by taking Surety by Obligation.

6. And that before Justices of Peace were, the Peace was preserved, and that by Constables; and that Statute (1 Ed. 3. St. 2. cap. 16.) which ordained Justices of Peace, did not take away the authority of the Constable.

7. But the Constable hath no authority to take an Oath of the party, oath, that he is in fear, &c.

8. Whereunto *Anderson* Chief Justice replied, I doubt not but that at the Common-Law the Peace was kept, but that was to be done in such manner as the Law appointed, and that is by Writ out of the Chancery, or *B. R.*

9. And yet I have seen another Author (supposed to be Sir *Thomas Egerton*, after Lord Chancellor) who writeth in these words: By the Common Law the Constables Office was to Arrest the parties that had broken the Peace, or were ready to break the Peace, *scil.* if either he had seen it himself, or were truly informed thereof by others, or upon the confession of the party who had freshly broken the Peace.

10. And that all such offenders the Constable might imprison in the Stocks, or in his own House, as the quality required, until they had been bound by Obligation with Sureties to the King, to keep the Peace from henceforth.

Which Obligation was to be sealed and delivered to the Constable, to the use of the King.

And the Constable was to send it into the Exchequer or Chancery, from whence Process should be awarded to levy the debt, if the Peace be broken; *quod Nota.* See also *Finch Nommot.* 127. (136.) cap. 22.

LXXIX. *Pract. Preced.* 133. An Indictment against a Constable for neglecting to execute a Justices Warrant.

*Juratores pro Domino Regis super sacramentum suum presentant, quod cum S. P. Armiger unus Justiciar' dicti Domini Regis ad pacem in Com' M. predict' conservand' assignat', 12 die Januarii Anno regni, &c. per Warrantum suum in scriptis debito modo confect' mandasset omnibus Constabular' & Decennar' & aliis dicti Domini Regis Officiar' infra Com' Midd. predict', ad quos Warrant' predict' deveniret, quod immediate post receptionem istius Warrant' caperent corpora A. I. & E. I. uxorem ejus, & quod dictas A. I. & E. uxorem ejus ducerent coram prefat' S. P. ad respondend' eis omnibus & singulis que versu' eos ex parte dicti Domini Regis objicerentur; Quod quidem Warrantum postea scil. dicto 12 die Januarii Anno supradict', euidem W. R. ad tunc & adhuc existent' unum Decennar' (Anglice Headborough) parochia Sancti Egidii extra Cripplegate in Com' Midd. predict', apud paroch' predict' in Com' predict' deliberat' fuit in forma juris exequend', predictus tamen W. R. de parochia Sancti Egidii predict' in Com' predict' Victualler, debitum suum in hac parte parvi pendens a predicto 12 die Januarii Anno supradict', usque diem cap' hujus Inquisition' apud paroch' predict' in Com' predict' in executione Officii sui circa premissa tepide, remisit & negligenter se habuit, & execution' Warranti predict' per tempus supradict' totaliter neglexit & contempnose recusavit, contra Officii sui debitum in hac parte, in manifestum contempti dicti Domini Regis nunc Legumq; suarum, ad magnam justitie retardationem, in malum & perniciosum exemplum omnium aliorum in hujusmodi casu delinquent', & contra pacem dicti Domini Regis nunc, coronam & dignitatem suas.*

LXXX. *Shepherds Clerks Cabinet*, 81. cap. 16. A Warrant for the making of a new Constable.

*To our Loving Friend A. B. of D. Teoman.*

These are to require you to make your repair to us, or to some other Justice of the Peace of this County, to take the Oath of a Constable to

N n 2

serve

serve within your Town of *D.* you being chosen and ordered by the Leet of your Town to undertake the same Office.

2. Or this: Whereas *A. B.* of your Town, the now Constable thereof, is by reason of his Age and Impotence very unable and insufficient to execute the said Place; These are to require you whose Names are under-written, to be before me at my House at *W.* in the same County, to morrow by eight of the clock in the morning, that I may make choice of one of you to be sworn to undertake the same Office.

3. It is not approvable to make Constables by one Justice of Peace, but in case of necessity only, when a Constable dieth, and it is long to the Quarter-Sessions or Leet, or the Courts where these Officers are usually made.

Indictment.

LXXXI. *Pract. Peced.* 108. An Indictment for not watching with a Constable.

Midd. *J.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod B. M. nuper de parochia Sancti Andr. Holborn in Com' Midd. Gen', quarto die Febr. Anno regni, &c. & diu antea fuit Inhabitan' paroch' predict' in Com' predict', quodque idem B. M. ad tunc scil. dicto quarto die Febr. debito modo summonit' & requisit' fuit ad vigiland' cum Constabular' in paroch' predict' in Com' predict' in nocte ejusd' diei predict' tamen B. M. debitum suum in hac parte negligens, ad tunc scil. predict' nocte predict' diei Anno supradict', vel in aliqua parte ejusd' noctis non vigilavit cum predict' Constabular' apud paroch' predict' in Com' predict', sed debitum suum in hac parte facere ad tunc & ibidem totaliter neglexit, & voluntarie, obstinate & contemptuose ad tunc & ibidem defalt' fecit, in contemp' dicti Domini Regis nunc, Legumq; suarum, & contra pacem dicti Domini Regis, coron' & dignitat' suas, &c.*

Conventicles, see Riot & Religion.

Conviction, see Proof.

Cordwainer, see Leather.

## Corn.

Badgers, Mault, Hay, Oats.

Ouster le mer. I. *L Amb.* 4. cap. 4. pag. 449. If any have against Proclamation transported or carried out of this Realm any Corn, Grain or Malt, growing or made here, or any Beer, Butter, Cheese or Wood in any Vessel, except to *Berwick* or the Marches thereof, without sufficient Authority, &c. or have by any means connived or willingly consented thereto, &c. or if any having License, have fraught or laden his Vessel, &c. at any more places then only one, to be enquired of at Sessions, 1 & 2 *Phil. & Mar.* 3.

License.

II. *Lamb.* 4. cap. 19. pag. 601. Sessions may enquire of, and determine the Licenses for Badgers, &c. and they are to be granted in open Sessions, 5 *Eliz.* 12. §. 7.

Market.

III. *Crompt.* 79 *b.* Enquiry in Sessions of engrossing and forestalling Corn, &c. Barley big, or Oats, against 5 & 6 *Ed.* 6. 14. §. 1, 2, 3.

Merchants.

IV. *Dalt.* 45. cap. 15. The Certificate of one Justice of Peace, joyned with the Customer of the place of the unlading and selling of Corn, &c. carried by water from one place to another within this Realm, is sufficient, on 5 & 6 *Ed.* 6. 14. §. 12. N. 1. of *Forestalling*.

Ale.

V. 2 & 3 *Ed.* 6. 10. §. 4. N. 1. Justices of Peace and Leet to determine Presentments of ill making of Mault, and to set prices, and Constables to present, &c. *Dalt.* 85. cap. 23. *Lamb.* 445.

VI. 13 *Eliz.* 13. §. 1. N. Justices at Assize or Sessions, unless controlled by the Queen, to determine when its fit to transport Corn, or to prohibit it.

VII.



VII. 21 *Jac.* 21. §. 2. N. 2. Hostlers or Inholders shall sell Horse-Bread, *Hostler.*  
Hay, Oats, Beans, Pease, &c. for reasonable prices, *Lamb.* 465.

VIII. *Dalt.* 147. cap. 65. For the punishment of the Baker for their un- *Amerciament*  
lawful Breads, *Quere* whether they shall only be Amerced, &c. after In-  
dictment and conviction of their said offence, or that the Justices of Peace  
(or sworn Officers in Leets) may take away their unlawful Bread, and  
give it among the poor, as Officers in Corporate Towns are enabled or  
appointed to do, in the end of the Book of the Assize, Printed 1597. See  
51 *H.* 3. pag. 10. & *Incert temp* pag. 85. cap. 2.

IX. *Lamb.* 465. Enquiry in Sessions, if any Inholder dwelling in any *Corporation.*  
City, Town Corporate, or Market Town, wherein is any common Baker  
that hath been Apprentice there seven years, have within his own House  
made any Horse-Bread, or dwelling in any other thorough-fair have made  
it insufficiently, and not of due Assize, 13 *R.* 2. 8. §. 1. N. 6. 32 *H.* 8. 41.  
§. N. *Dalt.* 146, 147. cap. 65.

X. *Lamb.* 465. If any Inholder have taken any thing for Litter, or have *Hostler.*  
taken excessively for Hay, or have taken above one half-peny in a Bushel  
of Oats over the common price in the Market, 13 *R.* 2. 8. §. 1. N. 8.  
4 *H.* 4. 25. §. N.

XI. *Lamb.* 200. If any Bailiff or Constable of any Borough, or other *Seizure.*  
Town, shall find any Mault made contrary to the Statutes 2 & 3 *Ed.* 6. 10.  
§. 4. N. 3. & 27 *Eliz.* 14. then with the advice of any Justice of the Peace  
within that Shire, he shall cause the same to be sold to such persons, and at  
such reasonable prices under the common price of the Market, as to his  
discretion shall seem convenient.

XII. *Lamb.* 201. The party convicted and committed to Prison by *Imprisonment*  
the Justices of Peace, for not obeying this restraint of converting Barley  
into Mault, must there remain three days, and after that until he shall  
become bound in Recognizance of forty pounds to the Kings use,  
before any Justice of the Peace, to obey such his restraint, 39 *Eliz.* 16.  
§. 1. N. 3.

XIII. *Lamb.* 331. Any two Justices of the Peace may duly convict by *Justices.*  
two witnesses, or by the parties confession, any person that shall disobey  
the restraint of Maulting made in the open Quarter-Sessions, and shall com-  
mit him to Prison without Bail or Mainprise for three days, and until that  
he shall become bounden in 40 *l.* to some one Justice, to perform such re-  
straint, 39 *Eliz.* 16. §. 1. N. 1.

XIV. *Lamb.* 444, 445. Enquiry in Sessions, if any person have within *Husbandry.*  
these two years bought Corn in any Fair or Market, for change of his Seed,  
having then sufficient for his House, and for sowing his Ground for a year,  
and did not bring thither if he might so much as he did so buy, and did  
not the same day sell it after the price then going, 5 & 6 *Ed.* 6. 14. §. 8. N. 1.  
*Crompt.* 80.

XV. *Lamb.* 445. Enquiry at Sessions, if any person have at any time *Ale.*  
within this year, the months of *June*, *July* and *August* only excepted, made  
any Barley-Mault that was not the time of three weeks at the least in the  
Fat floor steeping, and sufficient drying; and if in any of the said three  
months, and was not seventeen days at the least in the Fat floor steeping,  
and sufficient drying, 2 & 3 *Ed.* 6. 10. §. 2. N. 1.

XVI. *Lamb.* 445. If any person have within this year mingled any *Collusion.*  
Mault not sufficiently made, or made of Mow-burnt or spired Barley, with  
other good Mault, and after put the same to sale, 2 & 3 *Ed.* 6. 10.  
§. 2. N. 4.

XVII. *Lamb.* 445. If any person have within this year, put to sale any *Market overt.*  
Mault not sufficiently well trodden, rubbed and fanned, whereby half a  
Peck of dust or more may be fanned out of one Quarter thereof; but this  
Act

Act extendeth not to Mault made for the provision of a mans own House or Family, 2 & 3 Ed. 6. 10. §. 3. N. 1.

Justices.

XVIII. *Lamb.* 602. The Justices of the Peace, or the more part of them, may by their discretions in their open Quarter-Sessions restrain the converting of Barley into Mault, 29 Eliz. 16. §. N. *Crompt.* 79 b. 80 a.

XIX. *West. Symb.* 2 part 100. sect. 88. A Presentment for breaking and burning a Barn with Corn, 22 & 23 Car. 2. cap. 7. §. 2.

Midd' s.

*Inquiratur pro Domino Rege, si I. N. de D. in Com' M. predict' Yeoman, 3 die, &c. Anno regni, &c. apud I. in Com' M. predict', vi & armis quoddam Horreum cujusd' I. S. apud I. predict' in Com' M. predict' scituat' & existent' felonice fregit & intravit, & quibusd' candelis tunc igne accensis quas predict' I. N. tunc & ibidem in manibus suis tenuit, ad tunc & ibidem ex malitia sua precogitat', & ex instigatione Diabolica in Horreum predict' cum diversis Granis & Garbis, viz. tribus quarteriis ordeii, & quatuor quarteriis frumenti, & duobus modiis Avenarum, & quatuor Chareetat' hordei in Garbis in eodem Horreo ad tunc existent', ignem accensum ad tunc & ibidem voluntarie & felonice imposuit, & cum eodem igne ad tunc & ibidem Horreum predict' cum omnibus Granis & Garbis supradict' in eodem Horreo ad tunc & ibidem existent', voluntarie & felonice combussit, & totaliter cum igne illo felonice & voluntarie consumpsit, contra pacem dicti Domini Regis nunc, &c.*

XX. *West. Symb.* 2 part 103. sect. 98. An Indictment for a Conspiracy of Bakers, &c. 2 & 3 Ed. 6. 15. §. 1. N. 5.

Essex s.

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. C. D. E. F. & G. H. de M. in Com' E. predict' communes Pistores, 2 die Octob. Anno regni, &c. apud M. predict' in Com' E. predict' insimul conveniunt, conspiraverunt, ac mutuo inter se promiserunt, quod panem denarii de integro frumento (per eos seu eorum aliquem tunc deinceps faciend' ac vendend') non amplius quam 2 libr. & 6 uncias Troici ponderis habeat & ponderabit, quodcunque imposterum foret unius quarterii frumenti pretium, in dicti Domini Regis contempt', ac in extrem' pauperum dicti Domini Regis subditorum gravamen, necnon contra form' Statut' in hujusmodi casu provis' & edit.*

XXI. *West. Symb.* 2 part 145 b. sect. 281. An Indictment of breaking a Barn, and taking Corn, *Pract. Preced.* 64.

Essex s.

*Juratores pro Domino Rege super sacramentum suum presentant, quod I. S. &c. Horreum ejusd' I. C. de S. magna in Com' E. predict' ad tunc & ibidem burglariter fregit & intravit, & quatuor modios hordei, Anglice vocat' a Quarter of Barley, ad valent' 6 s. 4 d. de bonis & catallis predict' I. C. ad tunc & ibidem invent' burglariter & felonice cepit, abduxit & asportavit, contra pacem, &c.*

XXII. *West. Symb.* 2 part 145 b. sect. 282. An Indictment of breaking a Mill, &c. *Pract. Preced.* 64, 65.

Essex s.

*Juratores pro Domino Rege super sacramentum suum presentant, quod I. S. &c. vi & armis domum Molendinum W. H. apud C. in paroch' de D. in Com' E. predict', vocat' Clerk-Mill, Burglariter fregit & intravit & unum saccam pretii, &c. & sex modios tritici, vocat' Six Bushels of Wheat in saccis ibidem existent' pretii 10 s. de bonis & catallis predict' W. H. ad tunc & ibidem invent' die & anno supradict' Felonice cepit & asportavit, contra pacem, &c.*

Essex s.

XXIII. *Justice restored, &c.* 103. A Warrant for the bringing forth of Corn in the time of Dearth.

*To the Church-wardens and Overseers of the Poor of C. and to every of them.*

**W**Hereas A. B. C. D. &c. have lately received Letters from the Lords of His Majesties most Honourable Privy Council, commanding

ding us thereby in His Majesties Name to cause a diligent and exact survey to be taken of all the Corn and Grain within this Hundred of C. Now forasmuch as they whose Names are hereunder-written are presented to us by such as have inquired thereof to have Corn to spare more than is needful for the maintenance of their Families: These are therefore to command you to summon and warn all the said parties to be and appear before us at G. the 20th. day of this instant May, by 1 of the clock in the afternoon of the same day, there to receive such further directions as then and there shall be given them in charge, according to such Orders as are appointed by His Majesty to be straitly observed in that behalf. Hereof fail you not at your peril. Dated at W. this 10th. day of &c. Anno &c.

## Coron.

Homicide, Murder, Robbery, Felony, Agait, Theft, Larceny, Petty-Larceny, Misprision, Burglary, Burning Houses, Poysoning, Clergy, Arraignment, Annum & Diem, Buggery, Rape, Bloudshed, Chance-medley, se Defendendo, Cutpurses, Corruption of Blood, Attainder.

I. *Amb.* 2. cap. 7. pag. 210. Every Justice of Peace before whom any <sup>Process;</sup> person arrested for Man-slaughter, or Felony, or suspicion thereof, shall be brought, ought before he commit him to Prison to take the Examination of such Prisoner, and the Information of those that bring him; and to put the same, or so much thereof as shall be material to prove the Felony, in writing within two days after; and to take Bond of all such as do declare any thing material to prove the Offence, to appear at the next General Gaol-delivery, and to give Evidence there against the Offender, 2 & 3 *Phil. & Mar.* 10. *Dalt.* 52. *Infra* 36. *Dalt.* 295. cap. 111. *Crompt.* 193 b.

II. *Lamb.* 220. *ibid.* Neither do I doubt but that this present Statute <sup>Proof.</sup> 2 & 3 *Phil. & Mar.* 10. when it saith Man-slaughter and other Felony, doth thereby make Man-slaughter a sort of Felony, (for so the word *other* doth imply;) and doth also therewithal comprehend Murder underneath it, seeing it cannot be thought but that this Statute requireth Examination as well, it not more, in the case of Murder, as it doth in the other less hateful Homicides.

III. *Lamb.* 230. *ibid.* In all these sorts of voluntary Man-slaughter, being <sup>Ability;</sup> exempted from the fault of Felony, (as that is which we say to be done *se defendendo*.) There is no person to be punished to whom the Law hath denied a will or a mind to do harm; as a Mad-man, he that is born both Deaf and Dumb, nor an Infant under the age of 12 years, unless it may by some evident token appear that he had understanding of Good and Evil; Lunaticks, &c. 3 *H.* 7. 1. & 21 *H.* 7. 31. *Coron* 193. & 26 *Aff.* 27. *Crompt.* 29 a. b. 30 a. b. 31 a. *Dalt.* 223. cap. 89. & 236. cap. 92. & 244. cap. 95.

IV. *Lamb.* 231. Moreover, to hurt a Woman great with-child, where- <sup>Women,</sup> by the Child either dieth within her Body, or shortly after that she is delivered of it: Or to strike any person so as he dieth not thereof till the year and day be fully past, will not wrap a man within the danger of these felonious Man-slaughters, 3 *Aff.* 2. 1 *Ed.* 3. 24. *Coron* 303. & 3 *H.* 7. 1. §. 1. N. 14. *Bratt.* 121. *Dalt.* 242. cap. 93. 17.

V. *Lamb.* 231. *ibid.* Lastly, if any person shall be brought before a <sup>Imprisonment,</sup> Justice of Peace, and charged with any of these Homicides, (*viz.* Murder, Man-slaughter, Chance-medley, Misadventure, per Infortunium, or se Defendendo, &c.) except that which is done in the orderly execution of a Judgment,



ment, it shall be his part (as I think) to commit him to Prison; or at least, if the cause will so suffer, to joyn with him some other Justice to the bailment of him, to the end that the party may be discharged by Arraignment and Tryal; without which, or other finding of the truth, before the Coroners, or otherwise, I see not how the Justice may safely dismiss him; And for this purpose I refer you to 6 Ed. 1. 9. of Glocester, and to *Coron* 288, *Infra* §. 23.

Officers.

VI. *Lamb.* 2. cap. 7. pag. 232. Next unto the Justices that condemn, is the case of those whom Law alloweth to slay a man, and holdeth them unpunishable for it; whether it be upon a certain necessity for the advancement of Justice, or for the defence of his House or Goods, or for the more terrour against Offenders; and therefore the Sheriff, Bailiff, or any other that hath a Warrant to Arrest a man Indicted of Felony, may justifie the killing of him, if otherwise they cannot take him, 22. *Aff.* 55. *Crompt.* 30.

And so may any other man that followeth Felons upon the Hue-and-cry raised, if they will not yield themselves, but stand at defence, or fly away, by the opinion of *Thorp*, *Coron* 261, 288.

And so it is also if a man that is arrested for Felony do, as he is in carrying to the Goal, make resistance, and fly; for then those that have the conduction of him may without blame kill, if they cannot otherwise recover him, *Coron* 288, 328.

Peace.

VII. *Lamb.* 233. *ibid.* And if a Justice of Peace come to arrest Rioters, and they resist, whereby one of the Rioters is slain by any of the Justices or their Servants, or by any other coming in their aid, that is justifiable and allowed by Law, because in this and the former cases the killing proceeded upon a necessity, for the execution of Justice, which otherwise should be left undone, *Crompt.* 23 b. §. 29. *Crompt.* 30 b. *Dalt.* 238. cap. 93. & 249. cap. 98.

Imprisonm.

VIII. *Lamb.* 233. *ibid.* Of like account is it when a Goaler doth slay any of his unruly Prisoners that shall assault him, 22 *Aff.* 55.

But whether this rule will hold when the Arrest is only for Debt, or such-like, it is good to be advised, *Britton* 28. *Infra* §. 16. *Crompt.* 26. §. 6.

Riot.

IX. *Lamb.* 2. cap. 7. pag. 233. If the Justice of Peace, or any other lawfully authorized, do assemble any number of men for the suppressing of any persons unlawfully assembled, contrary to 1 *Mar.* 1. St. 2. cap. 12: §. N. and be driven to set upon them, and thereby any of the Offenders be slain, this slaughter is warranted both in the Justices themselves, and for every other of their Company, by the same Stat. *Crompt.* 23 b. §. 28, 29.

Fresh Suit.

X. *Lamb.* 233. If any Forester, Parker or Warrener, or such as be in their company for their aid, after Hue-and-cry made upon Offenders within their charge to yield themselves, which nevertheless make resistance, or fly; do (without former malice) kill any of them, they are neither to be Imprisoned, nor to forfeit any thing for it, 21 *Ed.* 1 St. 2. pag. 59. *de malefact. in Parc.* *Crompt.* 30 b. & 68 b. §. 4.

Justification.

XI. *Lamb.* 233, 234. So if any do attempt to Rob or Murder any person in his Dwelling-house, or in or nigh any common High-way, Cart-way, Horse-way or Foot-way; or feloniously to break into his Dwelling-house in the night-time; and in this attempt the party, or his Servants then with him, do kill any of the mis-doers, he or they shall forfeit nothing thereby, 24 *H.* 8. 5. §. N. And so in effect was the Common Law before that Statute, as may appear, 26 *Aff.* 32. *Coron* 261, 305, 330. And so also was the Roman Law of the twelve Tables: *Nocturnus fur quoquo modo; Diurnus si se telo defenderit; Impune occiditur*, &c. *Infra* §. 23. *Crompt.* 27 b. §. 1, 2, 3, 4, 5. *Dalt.* 250, 251. cap. 98.

Murder.

XII. *Lamb.* 2. cap. 7. pag. 235. In the old time every killing of one man

man by another was (of the effect) called Murder, because death ensueth of it. For, as *Postellus* noteth, of the Hebrew word *Moth*, came the Latine word *Mors*, and thereof the Saxons called it *Mord*, and *Morder*, as we now found it, *Crompt.* 21. §. 1. *Dalt.* 237. cap. 93.

Afterward, about the time of Mr. *Braff.* Murder was restrained to a secret killing only, &c. with whom also agreeth *Britton*. But since 14 *Ed.* 3. 4. §. 1. N. 1. by which the Presentment of *Englshire* was taken away, Murder is taken in a middle degree, &c. wherein it is carefully to be observed, that the words of *Malice prepensed* do make the true difference between this and the other voluntary Man-slaughters; so that to make the offence Murder, it is of necessity that there be a precedent malice, either apparent and bewrayed by the party himself, or else implied and supplied by the understanding of the Law.

XIII. *Lamb.* 237. Many times the Law doth by sequel judge of that malice which lurked before within the party, and doth accordingly make imputation of it; and therefore if one do suddenly, and without any outward shew of any present quarrel or offence, draw his Weapon, and therewithal kill another that standeth by him, the Law judgeth it to have proceeded of former malice meditated within his own mind, howsoever it be kept secret from the sight of other men, *per Dalyson.* Intendment.

And for the due restraint of such Inhumane Slaughters, well hath the Statute 1 *Jac.* 8. §. 2. N. 1. provided that the person that stabbeth or thrusteth any one not having a Weapon drawn, or that hath not first stricken him, so he die within 6 months after, shall suffer death as a wilful Murderer, *Dalt.* 237. cap. 93.

XIV. *Lamb.* 237. The Ancient Law, that measured the fault not by the event, but by the intent, will, and purpose, of the offender; took it for Felony (saith Mr. *Stamf.* 16. out of 3 *Ed.* 3. *Coron* III.) in the Owner of a Beast that killed a man, if so be that the Owner did know it to be accustomed to do harm, and did not tie it up, or otherwise restrain it. But the case goeth not so far, (as I think) but only saith, that if the Owner were alive, he should be arraigned of the death, and Amerced towards the King, *Crompt.* 24. §. 45. Cattle.

XV. *Lamb.* 238. *Britton* 14. hath the Case, That if one who is not a Physician, Physician, or Chyrurgeon will take upon him to cure a sick or wounded man, which dieth under his hand, it is Felony; and *Thorp*, 43 *Ed.* 3. 33. saith that he knew one to be Indicted accordingly.

But the Statute 34 & 35 *H.* 8. 8. §. 3. N. 1. leaveth so great a liberty of such practice to unskilful persons, that it will be hard now to make any Felony in such a case. Howbeit, if any of these two latter offences (*Lamb.* 237, 238.) should be drawn to Felony, then I see not but that the same must be accounted Murder, in respect either of the bold presumption, or of the will to do harm, which doth amount to malice. *Crompt.* 27. §. 18. & 17. *Dalt.* 239. cap. 93.

XVI. *Lamb.* 238. It hath been adjudged Murder when a man hath drawn his Weapon and killed either a known Officer, or one that had and shewed sufficient Warrant to arrest him for Debt only, *supra* §. 8. *Crompt.* 24. §. 35, 37. Officer.

XVII. *Lamb.* 238. If a Harlot will take the Child whereof she is newly delivered, and cover it with Leaves, and let it lie abroad, whereby Vermin destroy it, this is Murder, 21 *Jac.* 27. §. 2. N. 1. *Crompt.* 24 b. §. 44. & 21. §. 20. Bastardy.

XVIII. *Lamb.* 238. If an Officer will Behead him that is condemned to be Hang'd, or if a private man will kill him without any Warrant; this is Murder, 27 *Aff.* 41. *Appeal*, *Er.* 69. 35 *H.* 6. 58. *Crompt.* 24. §. 39. 33. *Dalt.* 235. cap. 92. Execution.

Poyson.

XIX. 1 *Ed.* 6. 12. §. 13. N. 1. *That all wilful killing, by Poyson, &c. shall be adjudged wilful Murder of malice prepensed, Lamb.* 240, 244. *Com.* 473. & 1 *Bulstr.* 87. 4 *Co.* 44. & 9 *Co.* 81. *Crompt.* 25 b. §. 56, & 20. §. 12, 21. §. 19. & 30 b. *Dalt.* 235. cap. 92.

Accessary.

XX. *Lamb.* 241. All such as be present, and aiding, abetting or comforting him that committeth a Murder, be principal Murderers in the eye of the Law, as well as he is by doing the deed, though they strike never a stroke, 4 *H.* 7. 18. *Com.* 100. *Dalyson* & *Dyer* *Crompt.* 24 b. §. 43. 22. §. 10. & 34 b. §. 15.

Treason.

XXI. *Lamb.* 243. If a Clerk do maliciously kill his Prelate or Superiour to whom he oweth obedience, or a Wife her Husband, or a Servant the Master, who have a Civil Sovereignty over them, this will be Pety-Treason, 25 *Ed.* 3. St. 5. cap. 2. §. 1. N. 10. 12 *Aff.* 30. *Coron Br.* 74. (73.) & 22 *Aff.* 49. *Coron* 383. & 19 *H.* 6. 47. But not so for (*Dalt.* 233. cap. 91.) the Son to kill the Father, unless he take wages, *Crompt.* 19 b. §. 1, 3, 5, 7. & 21 *Ed.* 3. 17. *Kell.* 204. pl. 1.

Games.

XXII. *Lamb.* 246, 247. If two play at Bucklers together without former malice, and the one slayeth the other, this is reputed to be done by Chance-medley, if it be not before the King, and by his Commandment or Proclamation; and if it so be, then it is not punishable at all, as Justice *Finewx* did hold, 11 *H.* 7. 23. *Dalt.* 246. cap. 96. But *Coron Br.* 228. noteth, that the Justices in the time of *H.* 8. were of another (*Crompt.* 23. §. 27.) opinion, *Crompt.* 26 b. §. 10. *Kell.* 108 b. pl. 27. *Crompt.* 29 a.

Justification.

XXIII. 250, 251. But he must know that it is not all one to have to do with a Thief or Murderer, and with a Loyal Subject; for albeit he may boldly defend himself, his Goods or his House against a Murderer or Thief on even-hand as it were, and without any striking from him; (*supra* §. 11.) yet if he be assailed by another manner of man, he must fly so far as he may, and till he be letted by some Wall or other Impediment, that his necessity of defence may be esteem'd altogether Great and Inevitable; and yet shall he be committed till the time of his tryal, and shall then lose his Goods, and seek the King's Pardon for taking away the life of his fellow Subject, 6 *Ed.* 1. 9. *Glouc' supra* §. 6.

Chance.

XXIV. *Lamb.* 252, 253. If a Labourer do work with an Ax, and in the fetching of his stroke the Head of the Ax happen to flie off from the Helm, and do kill one that standeth by; or if a man doth throw a stone at a Bird, or shoot an Arrow at a Fowl or at a mark, without evil intent, and another man is slain unawares thereby; or if in the felling of a Tree he giveth loud warning when the Tree is ready to fall, and yet it falleth upon another man that standeth or passeth by, *Dalt.* 245. cap. 96. or if a Tyler throweth down Tyles from a House that he is to amend, and giveth warning thereof, and another man cometh under and is slain with a stroke of Tyles; or if a School-master do moderately Correct his Scholar, and he dieth thereof:

In all these and the like Cases (where-ever the party is doing a lawful act, &c.) it is to be adjudged Man-slaughter by misfortune, 52 *H.* 3. cap. 25. of *Marlbr.* 2 *H.* 4. 18. *Coron* 302, 228, 354, 398. & *Crompt.* 19 b. *Bract.* 121. *Stamf.* 18. *Kell.* 108 b. pl. 27. *Crompt.* 24 b. §. 42. & 28 b. 29 a.

Treason.

XXV. *Crompt.* 20 b. 21 a. §. 18. A Feme Servant and a stranger conspire to rob the Mistress; and at the time appointed in the night she let him into the House, and carried him by a Candle to her Mistresses Bed, where she lay asleep, and the stranger kill'd the Mistress in her Bed, the Maid saying nor doing nothing but held the Candle; And *Portman* Ch. J. de *B. R.* *Brook* Ch. J. of *C. B.* and *Hare* Master of the Rolls held the Feme a Principal and a Traytor; but *Brook* Ch. Baron, *Dalison* and *Saunders* Justices *é contra*; so *Dyer* 128 pl. But the Law is with *Portman*, and so it was adjudged



judged in the Case of one *Blechenden*, Captain of the Castle of *Walm* in *Kent*, who about 5 *Marie* was kill'd in the Castle by a stranger, by assent of one *Bige* and others, Servants of the said *B.* being then in the same Castle in a Vault there, and not in the Parlor where he was kill'd, and was Drawn and Hang'd.

XXVI. *Crompt.* 21. §. 3. *Nota*, That the Justices of Peace may enquire Justices. of Murder or Pety-Treason, because their Commission is *de omnibus Feloniis*, see 3 *H. 7. 5 b.* An Indictment of Murder taken before Justices of Peace, *Rast. intr.* 362. *Dyer* 69. pl. *Crompt.* 21 b. §. 5, 6. & 28. §. 3. *Infra* §. 35. *Dalt.* 234. *Infra* 38. *Lamb.* 497. in *Indictment*, §. 18.

XXVII. *Pasch.* 3 *H. 7. 5 b.* pl. 2. *Indictment*, 22. *Br.* 47. The Servants Justices. of the Bishop of *Lincoln* were Indicted of Murder in the County of *Rutland* before the Justices of Peace, &c.

XXVIII. *Pasch.* 5 *Ed. 6. Dyer* 69. pl. 29. And also it was held clearly Justices. that Justices of Peace have Authority to enquire of Murder, because it is Felony, against the opinion of Monsieur *Fitzherbert*. *Dalt.* 52. cap. 20. *Infra* 35.

XXIX. *Lamb.* 4. cap. 5. pag. 485, 486. Where by the way you may see Indictment. in plain words of this Statute 2 & 3 *Ed. 6. 24. §. 2. N. 5. That Justices of Peace may take Indictments of Murder, as Murder*; though Mr. *Fitzherbert* (fol. 17.) denieth it, saying, *That they cannot enquire of Murder, saving only as of Felony or Man slaughter.* And you shall read of an Indictment of Murder before them received, 3 *H. 7. 5 b. supra*; agreeable whereunto was the opinion of *Hales* and *Portman* Justices, as I have seen in a Report of *Dalison* Justice; And of the same mind also were the Justices of 6 *Ed. 6. B. R. Dyer* 69. *Dalt.* 53. cap. 20 b. *Infra* 35.

XXX. *Crompt.* 21 b. §. 5. see *Rast. Entr.* 417. That an Indictment of Certiorari. Murder taken before Justices of Peace was removed in *B. R.* and the party thereupon was Arraigned, and upon the Arraignment there he pleaded the King's Pardon, and it was allowed, and the party discharged, *Coron* 360.

XXXI. 2 *Inst.* 316. On 6. *Ed. 1. Gloc'* cap. 9. it is to be observed, that Justices. Justices of Goal-delivery may take an Indictment of killing a man *se defendendo*, because their Authority is general; but Justices of Peace cannot take such an Indictment, because their Commission is limited, and it is taken not to be within their Commission, *Dalt.* 52. cap. 20. *Infra* §. 36. & 33.

XXXII. *Crompt.* 21 b. §. 6. see *Rast. Entr.* 246. An Indictment of Mur- Justices. der taken before Justices of the Peace, whereupon the party was Outlaw'd before them, was delivered to the Justices of Goal-delivery, and thereupon the person Outlaw'd was brought before them to the Bar, and because he could say nothing in Arrest of Execution, it was adjudged he should be Hang'd. But *Fitzb.* in his Book of Justices of Peace, 21. is, That a Justice of Peace cannot enquire of Murder, see *Stamf.* 15 b. 16 a. That an Indictment taken before Justices of Peace, that *A.* kill'd *B. se defendendo*, is not good, because that they have no Authority to take such Indictment, as he had heard.

XXXIII. *Crompt.* 28. §. 3. Mr. *Stamf.* 15 b. 16 a. saith, That a Justice of Indictment. Peace cannot take an Indictment of him that hath killed another *se defendendo*, as he had heard. But *Marrow, Lect.* 12. is to the contrary; and it seemeth, that in as much as the Justices of Peace have power to enquire of all Felonies, that they may enquire of this, *Lamb.* 497. & *supra* 31.

XXXIV. 23 b. §. 28. A Sheriff or Justices of Peace come to suppress Rio- Riot. ters, and one of them who comes with the Justice is slain by the Rioters, this is Murder as well in him as in all the other Rioters that are present; and so was taken, 22 *Eliz.* in the Case of *Drayton Bassett*, *supra* §. 7. *Crompt.* 25. §. 51. & 26. §. 12.

XXXV. *Dalt.* 51, 52. cap. 20. Whereas one *R. Smyth* was Indicted at the Forgery. Sessions

Sessions in *Oxford* upon 5 *Eliz.* 14. §. 10. N. 1. of Forgery, it was adjudged by the whole Court in *B. R.* 30 *Eliz.* that the same Indictment was not well taken; for although the Justices of Peace by their Commission have power of *Oyer* and *Term* of Felonies, &c. yet forasmuch as there is a Commission of *Oyer* and *Term* known distinctly by that name, and the Commission of the Peace is known distinctly by another name; that the said Indictment taken before the Justices of Peace at their Sessions was not well taken, and therefore was quashed.

The reason of this Case and Judgment seemeth to hold in the former Cases, on 3 *H. 7.* 14. §. 1. N. 4. 33 *H. 8.* 12. §. N. & 8 *H. 6.* 12. §. 3. N. 2. &c. and in all other like Cases where any Statute doth specially give Authority to any other distinct Court, or to other Justices or Commissioners (leaving out the Justices of Peace) to enquire of, hear and determine, or to try Felons, &c. there the Justices of Peace at their Sessions cannot enquire thereof, 2 *Inst.* 316. & *Stamf.* 15 b. 16 a. & *supra* §. 26, 27, 28, 30, 31, &c. *Crompt.* 56. *Infra* §. 50. *Poult. de Pace* 43.

Justices.

XXXVI. *Dalt.* 52. cap. 2. But in the former Cases, if any such offender shall be brought before any Justice of Peace, and charged with any such Felonies, (*viz. whereof he cannot enquire*) *Quere* how far the Justice of Peace is to deal, or what he is to do therein, considering the Justices of Peace are no Judges of such Felonies, neither have they any Jurisdiction given them by the Statutes in such Cases. And yet it may seem both serviceable and safe for the Justice of Peace to examine the Offence, and then to certify his Examination to such persons as by the Statute are made Judges of the Cause, But it seemeth the Justice of Peace (on 8 *H. 6.* 12. §. 3. N. 2. of *Razures.* 3 *H. 7.* 14. §. 1. N. 4. of the *Kings Servants.* 33 *H. 8.* 12. §. 1. N. 4. of the *Verge.* & 5 *Eliz.* 14. §. 10. N. 1. of *Forgery.* & 33 *H. 6.* 1. §. 1. N. 3. *Servants imbezelling Intestates Goods.*) may not commit such an Offender to Prison, nor bind over the Informers, nor take the Information upon Oath, *Crompt.* 56 a. b.

Imprisonm.

XXXVII. *Dalt.* 55. cap. 20. If one shall bring a man suspected of Felony before any Justice of Peace, but refuseth to be bound to give Evidence against the Prisoner, either at the Goal-delivery or Quarter-Sessions, as the Case shall require; if such bringer hath given Evidence before the Justice against the Prisoner, or can declare any thing material to prove the Felony, and will not be bound to give Evidence upon his Tryal, the Justice of Peace upon his discretion may commit to Prison such person so refusing, or may bind him to his Good behaviour. But if the bringer of a person suspected of Felony cannot declare any thing material to prove the Felony, nor any other person then present, it seemeth the Justice ought not to commit the Prisoner; and so was the direction of Sir *David Williams* at the Assizes at *Cambridge.*

Yet the Justices shall do well to examine the Prisoner; and if he shall confess the Felony, then to commit him; or if the Prisoner be a man of evil fame, and that there be a Felony committed; in these Cases the Justice shall not do well to let him go, but at least to bind him over to the next Goal-delivery, and in the mean time to take further Inform' against him, *Crompt.* 158 b. *Dalt.* 290. cap. 109.

Treason.

XXXVIII. *Dalt.* 234. cap. 91. The Justices of Peace may enquire of Pety-Treason, as of Felony; and out of their Sessions every Justice of Peace may deal with the Offenders therein, as in the Case of Felony, by Examination of the Offenders, by taking Information against them, and binding over the Informers to the General Goal-delivery, and by committing the Offenders to the Goal, *Crompt.* 21. §. 3. *supra* 26.

Enquest.

XXXIX. *Dalt.* 236, 237. The Enquiry of such a Felony belongeth to the Coroner; and yet if *Felo de se* be cast into the Sea, or so secretly buried that

that the Coroner cannot have the sight of his Body, and so cannot enquire thereof; then the Justices of Peace, or any other having Authority to enquire of Felonies, may enquire thereof, (for that it is Felony;) and a presentment thereof before them, entitleth the King in his Goods, *Dalt.* 247. cap. 97. it's *Quere*.

XL. *Dalt.* 248. cap. 98. If the Justices of Peace shall Arraign a man of Treason before them at their Sessions, who is found Guilty, &c. and thereupon is Hanged; this is Felony, as well in the Justices as in the Sheriff, or Officer which shall hang him; for that the Justices of Peace had no Authority therein; but it was *coram non Judice*, *Let. m. Cocke* 10. Co. 76.

XLI. *Dalt.* 248. *ibid.* If the Justices of Peace shall Arraign a man of Felony upon an Indictment of Trespas, whereupon he is Hang'd; this is Felony in the Justices, but not in the Sheriff or Officer, *Let. m. Cocke* 10. Co. 76.

XLII. *Dalt.* 259. cap. 101. Yet may not the Justice of Peace (*viz. be- Bail. cause of variety of opinions*, *Coron* 178. Forfeiture. Br. 1. *Dr. & St.* 17, &c. of the value of Pety-Larceny) before whom such an Offender shall be brought out of the Sessions, punish by his discretion the said Offender for Pety-Larceny, and so let him go, but must commit him to Prison, or Bail him, to the intent he may come to his Tryal, as in case of other Felonies; and if upon his Tryal the Jury shall find the Goods stolen to exceed 12 d. in value, the Offender shall have Judgment to die for the fault.

XLIII. *Dalt.* 268. cap. 104. Also the Wife is chargable for a Trespas done by her and her Husband together; and therefore howsoever (in case of Stealing or of Robbery by *Baron & Feme*) it shall be safe for the Justice of Peace in such cases to commit the Wife to the Goal as well as the Husband.

XLIV. *Crompt.* 39. §. 7. A Justice of Peace sends for a Felon who is in the Goal, and delivers him without Bond for his appearance, and after he is Indicted; this seemeth to be a voluntary Escape, for he is the cause that he comes not to his Tryal; and so where a man confesseth a Felony before a Justice of Peace, and he lets him go without Bail, &c. But a thing that is done *pro defectu Scientie* is no Felony, *Dalt.* 275. cap. 106. 25 Ed. 3. 39.

XLV. *Crompt.* 44. §. 44. A Justice of Peace lets one go without Bail who is brought before him for Felony and confesseth it; this is Felony in the Justice as it seemeth, for he is the cause that he comes not to his Tryal, *Quere* 1 & 2 *Phil. & Mar.* 12. §. 3. N. 1.

XLVI. *Dalt.* 275. cap. 106. If a Justice of Peace or Sheriff shall Bail one who is not bailable, this is a negligent Escape, if by Ignorance, *Coron* 246. *Escape*, 4.

XLVII. *Dalt.* 275. cap. 106. But if one that is brought before a Justice of Peace for suspicion of Felony shall confess the Felony before the Justice of Peace, and yet he shall suffer the Prisoner to go at large without Bail; this is a voluntary escape, and so Felony in the Justice.

XLVIII. *Dalt.* 288. cap. 108. If the party Robbed, or he that shall have any Goods stolen from him, after complaint by him made of the Felony to a Justice of Peace, or to a Constable, shall then take his Goods again, or otherwise be compounded withal, and will not prosecute the Felon any further, but will suffer him to escape after he was once so charged, and perhaps arrested for the same: *Quere* if this makes not him an Accessary, for that he did once *agere Criminaliter*, by complaint made to the Officer against the Felon; I think the Justice of Peace shall do well at least to bind over both the one and the other to the next Quarter-Sessions, or to the next Goal-delivery, and then to acquaint the Court with the whole matter.



Justices. XLIX. *Crompt.* 40. §. 13. Justices of Peace may enquire of Escapes, 1 *Rich.* 3. 3. §. 1. N. 2. 2 *H.* 5. 8. & 3 *H.* 7. 1. §. 1. N. 12.

Justices. L. *Crompt.* 56 a. b. *Nota*, That the eight Cases following, though they are Felonies by Statute, yet the Justices of Peace cannot enquire of them as it seemeth, 33 *H.* 6. 1. of *Servants Imbezelling Testators Goods.* 2 & 3 *Ed.* 6. 24. of *Accessory in another County.* Nor of *Indictment of Felony taken before Coroners or Justices of Goal-delivery, or of Oyer and Terminer.* Nor of 5 *Eliz.* 14. §. 10. N. 1. of *Forgery.* Nor of *Razing Records,* on 8 *H.* 6. 12. §. N. Nor of *Conspiracy to kill Great Officers,* 3 *H.* 7. 14. & 33 *H.* 8. 2. of *the Verge.* Nor 13 *Eliz.* 1. of *Libels against the Queens Succession, &c.*) *Dalt.* 51, 52. *supra* §. 35, 36.

Lieu. LI. *Dalt.* 289, 290. cap. 109. If a man do commit Murder, steal Goods, or do any other Felony in one County, and then fleeth into another County, and is taken there, and brought before a Justice of Peace there, he shall be by the Justice Imprisoned in the Goal of the County where he was taken, and after shall be removed by the Kings Writ into the Goal of the County where he committed the Felony: But for those that do inform against such Felons, the said Justice shall bind such Informers over to appear and to give Evidence against such Felons at the next General Goal-delivery to be holden in that County where the Tryal of such Murder or Felony shall be, whither also the said Justice must certifie such Information taken by him.

Commission. LII. 10 *Co.* 76 b. In the Case of the *Marshalsea* it's said, If a Justice of Peace makes a Warrant to Arrest one for Felony who is not Indicted, though the Justice erred in the granting of it, (34 *Ed.* 3. 1. §. 1. N. 5. *Com.* 37 b. & 1 *R.* 3. 3. §. N. 2.) yet he that made the Arrest by force of this Warrant shall not be punished by Writ of false Imprisonment, because he is Judge of the Cause. And 14 *H.* 8. 16. *Faux Imprisonment, Br.* 8. with this agrees. But if one be Indict before Justices of Peace, and confesseth the Felony, and hath a Coroner, and becometh an Approver, and makes an Appeal; such an Appeal before the King was adjudged void, as appears in 9 *H.* 4. 1. & 2 *H.* 4. 19. see 44 *Ed.* 3. 44.

And the reason of this Case (as some suppose) is, because the Commission of the Peace extends only to enquire before themselves, *audiend' & terminand'*, and so the Appeal of the Approver is out of their Commission, because an Approver makes not his Appeal before the Justices, but to the Coroner, and the Coroner records it to the Court. But the reason given 9 *H.* 4. 1. is, That the Justices of Peace have no power to assign him a Coroner, no more than they can enquire of Treason; as there it's also held, because it is not within their Commission, *Lamb.* 542. *Infra* §. 65.

Process. LIII. *Lamb.* 2. cap. 6. pag. 188, 189. There is one thing also whereof I thought meet to admonish our Justices of Peace: In this place many of them do give out their Precepts to Attach persons suspected of Felony, to the end to have them brought before them; which thing is neither newly devised by them, nor done without colour; (34 *Ed.* 3. 1. §. 1. N. 5.) for they have such a Precedent in the old 1561 Book of Justices of Peace, fol. 41. And there is no doubt but that if a Felony be done every man may Arrest whomsoever he suspecteth of it; but for all that the whole Court, 14 *H.* 8. 16. in *Faux Imprisonment, Br.* 8. & 4 *Inst.* 176, 177. condemneth such Precepts, because if the Bailiff which serveth the Warrant have suspicion in the party, he may of himself, without the Warrant, Arrest him; and if he have not, then is the Warrant of a Justice of Peace no Warrant to Arrest him, unless he be Indicted before, *Crompt.* 147 b. *Dalt.* 303, 304. cap. 113.

Imprisonm. LIV. *Dalt.* 330, 331. cap. 117. But I find it much controverted, whether a Justice of Peace may grant a Warrant to Attach persons suspected of Felony, &c. Some hold that the Justice of Peace may grant his Warrant; for that

that it seemeth by the first Assignavimus in the Commission, §. 5. and by the Stat. 5 Ed. 3. 14. §. 1. N. 3. That any one Justice of Peace may cause the Constables to Arrest and Imprison Offenders suspected of Felony, &c. and how shall the Justice of Peace cause this to be done, but by his Warrant or Commandment?

LV. *Dalt.* 331. *ibid.* Again, if a Felony be done, there is no doubt but that every private man, without a Warrant, may Arrest whomsoever he suspecteth of it, being a man of evil fame, *Crompt.* 171 a. *Dalt.* 337. cap. 118. But if the Offender, being pursued, shall resist, *Quere* who shall be aiding to a private man, whose Goods are stolen, and who suspecteth another to have stolen them; either to search for the Goods, or to apprehend the party suspected, if the Justice of Peace by his Warrant shall not command the Constable to aid him therein. If it be objected, that the Constable may do all this of his own Authority, upon request to him made by the party Robbed. Be it true, yet we find by common experience, that the Constables, without the Justices Warrant therein, are for the most part both very fearful, and also remits herein; as neither knowing their own Authority, nor the danger, 2 H. 7. 15, 16.

And yet, by the opinion of the Court 14 H. 8. 16. a Justice of Peace cannot make a Warrant to Arrest a Felon, unless he be Indicted of Felony, or unless the Justice of Peace himself hath suspicion of the Felon; But if the Constable or other Officer shall serve such a Warrant, he shall justify the same, though the Justice err in awarding thereof, see 24 Ed. 3. 9. *Coron.* Br. 3. 4 *Inst.* 176, 177. *Lamb. Constable*, 17.

LVI. 4 *Inst.* 177. *Sed distinguenda sunt tempora & concordabis Leges*; Information, for since the Statutes of 1 & 2 Phil. & Mar. 13. §. 3. N. 1. & 2 & 3 Phil. & Mar. 10. §. 2. N. 2. if any person be charged with any manner of Felony, and Information be given to a Justice of Peace of the Felony, or suspicion of Felony, and feareth that the Kings Peace may be broken in apprehending of him; the said Justice may make a Warrant to the Constable of the Town, to see the Kings Peace kept in the apprehending and bringing the party charged with, or suspected of the Felony before him; and the party that giveth the Information of his knowledge or suspicion to be present, and Arrest the Delinquent. And in this manner it is implied and intended by the said Statutes, for the Prisoner to be brought before them; and this (as we take it) agreeth with the common use and observance ever since those Statutes; and this agreeth also with 14 H. 8. 16. that a Justice of Peace may make his Warrant for the salvation of the Peace, meaning to assist the party that knoweth or hath suspicion of the Felony. But in this case neither the Constable nor any other can break open any House for the apprehension of the party suspected or charged with the Felony; for it is in Law the Arrest of the party that hath the knowledge or suspicion, who cannot break open any House, but if the doors be open, he may enter into the same, and Arrest the party, &c. 1 Rich. 3. 3. §. 1. N. 2.

LVII. 25 Ed. 3. Stat. 5. cap. 4. §. 1. N. 2. None shall be taken by petition or suggestion made to the King or Council, unless it be by Indictment or Presentment, &c. Imprisonment

LVIII. *Lamb.* 540. The Felony of Forgery, 1 Eliz. 14. §. 7. N. 1. after Forgery. Conviction for a former Offence, the Justices of Peace cannot hear or try at all, *Crompt.* 56 b.

LIX. *Lamb.* 540. Neither doth the hearing and tryal of that Felony, Apprentice; 33 H. 6. 1. §. 1. N. 3. of a Servant taking the Goods of his Master after his death, belong to the Justices of Peace in the County, because they cannot take notice of his default in B. R. by which default it first beginneth to be Felony.

LX. *Lamb.* 541. The like (though for unlike reason) is to be said of the Records; Felonies

Felonies of Imbezelling of any of the Records of the Courts at *Westminster*, against 8 *H. 6.* 12. §. N. and of an Accessary in one County, where the Felony was done in another, upon 2 & 3 *Ed. 6.* 24. §. N. because the Jurisdiction over these Felonies is not committed to the Justices of Peace, but remitted to other Judges, by the very same Statutes.

Precog'

LXI. *Lamb.* 541. And so of the Felony of Conspiring the Death of the King, or of any Lord of the Realm, or of any the Kings Counsel, or of the Steward, Treasurer or Comptroller of the Kings House, because it is to be tryed by them of the Cheque-Roll of the same Household, 3 *H. 7.* 14. §. N.

Tryals.

LXII. *Lamb.* 541. Furthermore, they cannot make tryal of such as were Indicted of Felony before the Coroners, or before the Justices of Goal-delivery, or of *Oyer and Terminer*, if the same persons were not Justices of Peace also in the same Shire, so as the Indictments may be understood to be taken by them as before Justices of Peace; for their Commission and Authority extendeth only to such as stand Indicted before themselves as former Justices of the Peace, or the Sheriff in his Tourn.

Procefs.

LXIII. *Lamb.* 541, 542. It seemeth by *Marrow*, and *Fitzh.* 16. that albeit two Justices of the Peace (the one of them being of the *Quorum*) may hear and try the Felonies, yet no Justices of the Peace have Authority to deliver Felons by Proclamation, or without sufficient acquittal; nor yet to deliver such as be in Prison for suspicion of Felony.

Imprisonm.

LXIV. *Lamb.* 542. Such persons, if they cannot be Indicted, must either remain the coming of the Justices of Goal-delivery, as the common manner now is; or else, being removed in *B. R.* they are either to be delivered thence upon the Writ *de gestis & fama*, as the old Order was, or by such other mean as they at this day do use therein.

Appeal.

LXV. *Lamb.* 542, 543. These Justices of Peace can take no Appeal of any Approver, nor other before them, say all the Justices of *C. B.* 2 *H. 4.* 19. and so it is clearly holden, 9 *H. 4.* 1. because their Commission stretcheth not so far, but only to such Felonies as fall out by enquiry before themselves or their former fellow Justices, however 44 *Ed. 3.* 44. upon 5 *Ed. 3.* 11. §. N. or 8 *H. 6.* 10. §. N. may seem to a running Reader to allow that power unto them, and therefore *Stamf.* 95. worthily doubteth of this matter, 10 *Co.* 76 *b. supra* §. 52. But howsoever that be, yet seemeth it to me no less reasonable then serviceable, that if one Felon will accuse another before Justices of the Peace, they may take his Confession, and reprieve him, and thereupon cause the other to be enquired of, and so proceed against him.

Exile.

LXVI. *Lamb.* 543. They cannot Arraign a man upon his Abjuration, saith *Marrow*.

Day.

LXVII. *Lamb.* 543. It hath also been thought unmeet that they should try a Felon the same day in which they awarded the *Venire facias* against the Jury 22 *Ed. 4.* 44. *Coron* 44. But that hath no necessity; and the Law is now otherwise taken.

Women.

LXVIII. *Lamb.* 543. *Marrow* saith, that they cannot award the Writ *Ven fac. tot' matronas*, to try whether a Woman Arraigned before them be with Child or not; but seeing it standeth with Law and Reason to stay her for the time that the Child may be preserved, I cannot but doubt of this opinion.

Clergy.

LXIX. *Lamb.* 543. They may give Clergy to a Felon, if the Ordinary or his Deputy be present to take him; but if they be absent, he must be reprieved, because (as *Marrow* saith) these Justices can set no Fine upon the Ordinary for his absence, no more than if he will accept one to read as a Clerk, where in truth he cannot read at all. But if you look upon *Stamf.* 2. cap. 25. he will perswade you that the Ordinary is not the Judge, but a Minister



nister in the Tryal of Clergy; and that Clergy may lawfully be given and allowed in his absence.

**LXX. Lamb. Preced. 5. pl. 13.** An Indictment for Pety-Treason in a Servant, and Felony in the Procurers thereof.

*Juratores pro Domino Rege supra sacramentum suum presentant, quod A. B. de C. in Com' predict' Glover, nuper Serviens B. D. de C. predict' in dict' Com' Glover, 10 die Septembr', Anno regni, &c. in domo mansionali predict' B. D. apud C. predict' in Com' predict', vi & armis, videlicet cum Gladiis & pugione districtis ad valentiam 10 solidorum, quos idem A. B. ad tunc & ibidem in manibus suis tenuit in prenominatione B. D. tunc Magistrum suum tunc & ibidem in pace Dei, & dicti Domini Regis, existent' voluntarie, & ex malitia sua precogitata insultum fecit & eundem B. D. tum Magistrum suum ad tunc ibidem cum dicto Gladio felonice & proditorie super caput suum fortiter & valde percussit ita quod dicto ictu caput ipsius B. D. tunc Magistri sui tunc ibidem in duas partes scididans ei plagam mortalem unde corpus dicti B. D. immediate ibidem ad terram ceridit & dictus B. D. instanter ibidem de plaga predicta mortuus e. & sic presat' A. B. apud C. predict', ex malitia sua precogitata a eundem B. D. Magistrum suum predict' modo & forma predictis voluntarie nequiter felonice & proditorie interfecit, contra pacem dicti Domini nostri Regis nunc, coronam & dignitat' suas.*

*Et quod quidem I. S. de C. predict' in Com' predict' Glover, ante prodicionem predict' per presat' A. B. sic ut presertur voluntarie perpetrat & commissam nix. 6 die Sept' anno supradicto, eundem A. B. apud C. in Comitatu predict' ad prodicionem predict' in forma predict' perpetrandum & committend' felonice consuluit, excitavit & procuravit, contra pacem dicti Domini Regis nunc, ac contra coronam & dignitatem suam. West. symbol. 2 part 118. sect. 153, 154.*

**LXXI. Lamb. Preced. 5 b. pl.** An Indictment for Murder of a Bastard-Child against the Mother and Midwife as Principals, and against the reputed Father as Accessary before, and against others as Accessary after.

*Juratores pro Domino Rege super sacramentum suum presentant, quod H. M. nuper de K. in Com' predict' vidua gravida existens cum quadam Infante viva 24 Maii, anno regni, &c. apud K. predict' in Com' predict' Dei providentia parturit & peperit tuam prolem famelam vivam posteaq; quædam I. S. nuper de W. in dicto Com' vidua apud K. predict' in Com' predict' vi & armis, ex malitia sua precogitata dicto 24 die Maii, anno supradict' circa horam 11 ante meridiem ejusdem diei per consilium, mandatum & procuracionem predictæ H. M. ac in presentia ipsius H. M. in predict' prolem famelam vivam insultum fecit & cum quodam catello ad valentiam unius denarii quem eadem jana tunc in manu tua dextra tenuit Gutter, ipsius prolis famele quandam plagam mortalem in Guttore suo predicto de qua quidem plaga mortali proles famela predict' apud C. predict' in Com' predict' ad tunc & ibidem instanter obiit & quod predict' H. M. ad tunc & ibidem felonice fuit presens, confortans & auxilians ad predict' prolem famelam in forma predict' interficiendam & sic presata H. M. & jana predict' prolem famelam predict' ex malitia sua precogitata felonice & voluntarie interfecerunt & murdraverunt contra pacem dicti Domini Regis, coronam & dignitatem suas.*

*Et insuper Juratores predicti super sacramentum suum presentant, pro dicto Domini Rege, quod Georgius R. nuper de K. predict' in dicto Comitatu Yeoman, 19 die Maii, anno regni, &c. ac diversis aliis diebus & vicibus ante feloniam & murdrum predict' in forma predict' perpetrat apud K. predict' in Com' predict' malitiose & felonice consuluit, mandavit, procuravit & abettavit predict' H. M. ad predict' murdrum voluntarium faciend' ac ad interficiend' & murdrand' dictum prolem famelam, contra pacem dicti Domini Regis nunc. Et ulterius*

quod O. P. & A. B. de K. predicti in Com' predicti Spinsters, post murdrum & feloniam predicti in forma predicti facta scientes prefatas H. M. & I. S. feloniam & murdrum predicti in forma predicti fecisse & perpetrasse ipsam tamen H. M. apud K. predicti in Com' predicti 27 die dicti mensis Maii, anno supradicti felonice receperunt & confortaverunt, contra pacem dicti Domini Regis nunc, coronam & dignitatem suam. West. symb. 2. part 117 b. sect. 152. Dyer 186. pl. 2.

Ranc. ff.

LXXII. Lamb. Preced. 6. pl. 15. An Indictment for wilful Poysoning, on 1 Ed. 6. 12. §. 13. N. 1.

Juratores pro Domino Rege super sacramentum suum presentant, quod T. H. de C. in Com' predicti Yeoman, secundo die Decembris, anno regni, &c. apud C. predicti in Com' predicti in domo mansionali ibidem cujusdam W. B. nuper de C. predicti in dicto Comitatu Yeoman, ex malitia sua propensa & precogitata voluntarie & felonice Porrexit ac dedit in catillo quodam eidem W. B. ad edendum quædam olera, Anglice vocat' Pottage, excecuta venenocissima & aliis Herbis virulentis confecti & composita quæ quidem olera predictus W. B. tunc ibidem cum Cocleari quod in manu sua dextra tenuit comedit unde predictum W. B. statim postea ægrotabat ac à predicto secundo die Decembr. anno supradicti in dicta domo suo apud C. predicti languebat usq; sextum diem dicti mensis Decembr. anno supradicti quo quidem sexto die anno supradicti predictus W. B. ex dicto esu olerum predictorum in dicta domo sua apud C. predicti in dicto Comitatu interiiit. Et sic Juratores predicti super sacramentum suum presentant, quod predicti T. H. prenomiatum W. B. apud C. predicti in Comitatu predicti modo & forma supradicti ex malitia sua precogitata voluntarie & felonice veneno predicto interfecit ac murtheravit, contra pacem dicti Domini Regis nunc, ac contra formam Statuti in Parliament' Domini Edwardi nuper Regis Angliæ sexti tento apud Westm. in Com' Midd. anno regni sui primo, in hujusmodi casu provisi ac editi. 22H. 8. 9. §. 1. N. 2. West. symb. 2. part 120 b. sect. 163.

Essex ff.

LXXIII. West. symb. 2. part 121. sect. 164. An Indictment for wilful Poysoning one in a Potion.

Juratores pro Domino Regina super sacramentum suum presentant, quod H. R. nuper de C. in Com' E. predicti Yeoman, 10 die Octob. anno, &c. Dum pre oculis suis non habens sed instigatione Diabolica seduct' ex malitia sua precogitat' quendam R. F. in pace Dei & dictæ Domine Regine existent' apud C. predicti in Com' E. ad libend' pretextu amoris & amicitie invitavit & eidem R. F. ad tunc & ibidem Potionem quendam veneno intermixtam & intoxicat' felonice dedit quam quidem Potionem predict' R. F. ex instigatione & procuracione dicti H. ad tunc & ibidem accepit & eandem Potionem super illud immediate bibebat & exhaust' ratione cujus dict' R. F. immediate post Potionem predict' sic exhaustum morbo correptus fuit ac à predict' 10 die Octob. anno supradicti, usque quartum diem Febr. &c. apud C. predicti in Com' predicti languebat quo quidem quarto die Febr. anno, &c. supradicti predict' R. F. ex Potione & intoxicatione predict' apud C. predicti in Com' E. predicti obiit, & sic predict' R. H. prefat' R. F. apud C. predicti in Com' predicti modo & forma supradictis cum Potione predict' veneno intermixta & intoxicata felonice interfecit & murtheravit, contra pacem dictæ Domine Regine nunc, & contra formam Statuti inde in hujusmodi casu editi & provisi.

Essex ff.

LXXIV. West. symb. 2. part 121. sect. 165. An Indictment for Murder by wilful Poysoning, upon 1 Ed. 6. 12. §. 13. N. 1. wherein the Statute is recited.

Juratores pro Domino Rege super sacramentum suum presentant, quod cum in Statuto in Parliament' Domi Edw. nuper Regis Angliæ sexti, apud Westm. in

in Com' Midd. anno regni sui primo tento editi inter alia enactat' existat' *Authoritate ejusdem quod omnis voluntaria interfectio per venenum, Anglice Poysoning, alicujus personæ sive personarum quæ ad aliquod tempus ex tunc imposterum facta perpetrata sine commissa foret: Adjudicaretur haberetur & existimaretur voluntarium murdrum de malitia propensa quodque offensores in ea parte eorum coadjutores abettatores, procuratores & confiliatores sustinerent mortem, & forisfacturam in quolibet respectu ut in aliis Casibus voluntarii Murdri de malitia propensa; prout in eodem Statuto plene liquet quidam tamen A. B. nuper de C. in Com' E. Labourer Statut' predict', & penam in eodem content' parvi pendens, neque timorem Dei pre oculis suis habens, 20 die Januarii, anno, &c. apud R. predict' in predict' Comitatu E. ex malitia sua precogitata quendam E. L. voluntarie & felonice per venanum interfecit & murdravit, contra pacem dicti Domini Regis coronam & dignitatem suas, ac contra form' Statuti predicti, &c. Crompt. 270. pl. 112.*

LXXV. *West. Symb. 2 part 121 b. sect. 166. An Indictment for Pety-Treason against the Wife for poysoning her Husband, by putting Arsnick and Rosegree in his Drink.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de F. in Com' predict' vidua nuper uxor' I. B. de F. predict', &c. contra debitum Matrimonii vinculum ac zelum & amorem quem eadem A. B. erga predict' J. B. nuper virum suum gerere deberet Diabolico instinctu ducta ex malitia sua precogitata machinans & intendens eundem I. B. nuper virum suum vita sua primare ac ipsum felonice & proditorie murdrare 11 die Jan. anno, &c. apud F. &c. felonice & proditorie posuit in potu ipsius I. B. ad tunc viri sui quoddam venenum mortiferum, Anglice vocat', Arsnick and Rosegree, ac potum illum sic venenatum felonice & proditorie ad tunc & ibidem predicto I. B. dedit & ministravit bibend': Qui quidem I. B. nihil fraudis aut doli versus predict' A. inde suspiciens potum illum sic venenatum & intoxicatum ad tunc & ibidem per instigation' & procratation' predicti A. Bibit per quod idem I. B. ab eodem 11 die Jan. &c. usque 22 diem Jan. tunc proxime sequent' languebat, quo quidem 22 die, anno, &c. idem I. B. de veneno illo apud F. &c. obiit, & sic super sacramentum suum dicunt Juratres predicti, quod predict' A. aie & anno supradict' predict' I. B. ad tunc virum suum apud F. &c. felonice & proditorie intoxicavit & murdravit, contra pacem dicti Domini Regis, &c. Com. 473. Crompt. 270. lib. intr. 52. Stamf. 94.*

LXXVI. *Lamb. Preced. 6. pl. 16. An Indictment for a Murder committed by two.*

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. nuper de C. in dicto Comitatu Blacksmith, & D. E. de C. predict' in Com' predict' Butcher, 7 die Septemb. anno regni, &c. vi & armis ex malitia sua precogitata & premeditata in quendam F. G. nuper de B. in dicto Com' Yeoman, apud B. predict' in Com' predict' in quodam loco ibidem vulgariter nuncupat' the Bowling-place, ad tunc & ibidem in pace Dei & dicti Domini Regis existentem insultum fecerunt & prefatus A. B. cum quodam Gladio districto ad valentiam U. S. quem ipse in manu sua dextra ad tunc & ibidem tenuit ipsum F. G. super synceput suum voluntarie & felonice tunc ibidem percussit & eo ipso ictu dedite idem F. G. quandam plagam mortalem in longitudine trium pollicium & in profunditate quinque pollicium & dimidium de qua quidem mortali plaga predict' F. G. tunc ibidem instanter & immediate obiit, & ulterius quod predict' D. E. cum quodam baculo ad valentiam unius oboli quem ipse in manibus suis ad tunc ibidem tenuit ipsum F. G. ad tunc & ibidem voluntarie & felonice percussit super caput suum dans eidem F. G. unam aliam plagam mortalem in dicto suo capite in longitudine trium pollicium & in profunditate duorum pollicium unde idem F. G. de plaga ultive predicta obisset si non obisset de ictu*



illo priore predicto quam predictus A. B. ei primo dederat, & sic Juratores predicti super sacramentum suum dicunt quod prenominati A. B. & D. E. dicto 7 die Septembr. anno supradicto apud B. predicti in predicto loco, vocat the Bowling-place, predicti F. G. modo & forma predictis ex malitia sua precogitata voluntarie & felonice interfecerunt & murdramerunt, contra pacem dicti Domini Regis, ac contra coronam & dignitatem suam, Crompt. 243 b. pl. 38.

Chance.

LXXVII. Lamb. Præced. 7. pl. 17. An Indictment for killing a man by Chance-medley.

Kanc. ff.]

Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de C. in Com' predicti Sowgelder, 16 die Septembr. anno, &c. apud C. predicti in Com' predicti quendam E. F. nuper de C. in Com' predicti. Weaver, (cui tunc ibidem fortuito & casu obviam venit) contumeliosis verbis lacessivit ac in eundem E. F. tunc & ibidem in pace Dei, ac dicti Domini Regis existent' vi & armis insultum fecit & ventrem dici E. F. tunc & ibidem cum Baculo longo cuspidi preacuto cupitato, Anglice vocat' a long sharp picked Staff, quem idem A. B. tunc ibidem in manibus suis tenuit felonice pupugit & profodit dans eidem E. F. vulnus mortale in dicto ventre suo latitudinis unius pollicis & profunditatis 8 pollicium de quo quidem mortali vulnere idem E. F. tunc ibidem instanter obiit ac interiit, contra pacem dicti Domini Regis nunc, ac corona coronam & dignitatem suas, Crompt. 243. pl. 36. & 243 b. pl. 37. West. symb. 2 part 142. sect. 260.

Clergy.

LXXVIII. West symb. 2 part 136 b. sect. 235. An Indictment for Murder ex malitia prepenſa Fact'.

Kanc. ff.]

Inquiratur pro Domino Rege, si I. D. in Com' predicti Teoman, laicus homo, &c. vi & armis ac de malitia sua precogitata in W. H. ad tunc & ibidem in pace Dei & Domini Regis nunc, existent' insult' fecit & cum uno Gladio pretii 12 d. quod idem I. in manibus suis ad tunc & ibidem tenuit prelat' W. H. felonice percussit & dedit ei tunc & ibidem super caput suum usque cerebram unam plagam de qua quidem plaga mortali idem W. H. ad tunc & ibidem instanter moriebatur & sic idem I. D. prelat' W. H. modo & forma predicti felonice interfecit & murdramavit, contra pacem dicti Domini Regis, coronam & dignitatem suam, & contra form' Stat' de an. 23 Regis H. 8. nuper edit' & provisi, 23 H. 8. i. §. 3. N. 1.

Fresh-Suit.

LXXIX. West. symb. 2 part 142. sect. 261. An Indictment for Murder, and the Murderers flying, &c.

Essex ff.]

Inquiratur pro Domina Regina, si T. B. nuper de C. in Com' predicti Teoman, 20 die, &c. anno, &c. vi & armis, &c. ex malitia sua precogitat apud D. in Comitatu predicti in quendam W. W. ad tunc & ibidem in pace Dei, & dictæ Dominae Reginae existent' insultum fecit & ipsum W. ad tunc & ibidem verberavit vulneravit ac maletractavit ac ipsum W. cum quodam Baculo ad valentiam, &c. quem idem T. B. ad tunc & ibidem in manu sua dextra tenebat prelat' W. super sinistram partem tibiae suæ felonice percussit dans ei plagam mortalem ob quam quidem plagam mortalem predicti W. à predicti 20 die, &c. anno, &c. usque ad 8 diem Julii tunc proxime sequent' languebat & de eadem plaga mortali predicti W. &c. apud, &c. predicti 20 die Julii, anno supradicti moriebatur & sic predicti T. B. predicti 8 die Julii anno supradicti apud B. predicti felonice murdramavit & interfecit, predicti W. contra pacem dictæ Dominae Reginae, &c. & post feloniam & murdram predicti immediate fugiebat, contra pacem, &c. Crompt. 243. pl. 36. & 244 b. pl. 39.

Murder.

LXXX. Crompt. 242 b. 243 a. pl. 35, 36. An Indictment of Murder.

Essex ff.]

Inquiratur pro Domino Rege, si H. W. nuper de S. in Com' predicti Tayler,

ler, & W. C. de S. in Com' predict' *Weaver*, primo die *Martii*, anno regni, &c. apud C. in Com' predict' vi & armis, &c. in quendam T. B. in pace Dei & dicti Domini Regis, ad tunc & ibidem existent' insult' fecerunt & predict' H. W. cum quodam falcastro, Anglice vocat' a *Welsh Hook*, valoris 12 d. quo idem H. in utraque manu sua ad tunc & ibidem tenebat predict' T. B. super dextrum brachium prope manum dextram ad tunc & ibidem felonice percussit dans eidem T. ad tunc & ibidem cum falcastor predict' unam plagam mortalem profunditatis duorum pollicium & longitudinis quinque pollicium de qua quidem plaga mortali predict' T. ad tunc & ibidem instant' obiit, & sic predicti H. W. & W. C. apud S. predict' in Com' predict' modo & forma predict' prefat' T. B. felonice ac ex malitia sua precogitata interfecerunt & murdaverunt, contra pacem dicti Domini Regis nunc, coronam & dignitatem suas. Et si J. H. de S. predict' in Com' predict' *Hufbandman*, ante feloniam & murdrum predict' per prefat' H. & W. sic in forma predict' commissum & perpetrat' viz. predict' primo die *Martii*, anno regni Regis *Jacobi* secundo predict' apud S. predict' in Com' predict', predict' H. W. & W. C. ad feloniam & murdrum predict' sic in forma predict' faciend' & perpetrand' malitiose & felonice incitavit, abettavit, & procuravit, contra pacem dicti Domini Regis coronam & dignitatem suam.

2. In the Indictment he need not mention the profundity nor breadth of the Wound where the Pan of the Knee is cut out, no more than where an Arm or a Leg is cut off, 4 Co. 42.

3. The Indictment in Murder, if he were struck one day and died another, shall conclude that he murdered the party the day that he died, and not the day that he was struck, 4 Co. 42, 45, 47.

LXXXI. *Crompt. 244 b. pl. 40. An Indictment against him that Suffocated a man.*

Murder.

Inquiratur pro Domino Rege, si I. P. nuper de W. in Com' predict' *Tay-Staff. §.* *ler*, 11 die *Novembr.* anno regni, &c. Deum præ oculis suis non habens, sed instigatione Diabolica seduct' apud H. in Com' predict' in Communi Pastura ibidem vocat' E. in Com' predict' vi & armis, &c. ex malitia sua precogitat' in & super quandam T. P. filiam predict' *Johannis* ad tunc & ibidem in pace Dei & dicti Domini Regis existent' insult' fecit ac cum quadam Fibula vocat' an *Apron-string*, valoris 1 d. qua predict' I. ad tunc & ibidem in manibus suis tenuit collum dictæ T. circumstruxit ac ipsam T. cum Fibula predict' ad tunc & ibidem felonice suffocavit de qua quidem suffocatione predict' T. P. ad tunc & ibidem instant' obiit, & sic predict' I. predict' T. P. predict' 11 die *Novembr.* anno supradict' apud H. predict' in Com' predict' ex malitia sua precogitata modo & forma predictis felonice interfecit & murdravit, contra pacem dicti Domini Regis, &c.

LXXXII. *Lamb. Preced. 7 b. pl. 18. An Indictment for pulling out a mans Eyes, 5 H. 4. 5. §. 1. N. 2.*

Maihim.

Juratores pro Domino Rege super sacramentum suum presentant, quod *Staff. §.* *A. B. de D.* in dicto Comitatu *Tinker*, 9 die *Sept.* anno regni, &c. in quodam loco apud D. predict' in Com' predict' vocat' *the Dene*, vi & armis in quendam D. E. de D. predict' in Com' predict' *Teoman*, in pace dicti Domini Regis tunc ibidem existent' insultum fecit, & tunc & ibidem ex malitia sua precogitata digitis & unguibus digitorum ipso A. B. oculos ipsius D. E. felonice effodit ac erant, contra pacem dicti Domini Regis nostri, coronam & dignitate suam, ac contra form' cujusdam Statuti in Parlamento Domini Regis *Henrici* olim Regis *Anglie*, quarti tento apud *Westmonaster'* in Comitatu *Middlesex*, anno regni sui Quinto, in hujusmodi casu provisi & editi.

LXXXIII.

Staff. B.

LXXXIII. *Crompt. 245. pl. 41. Indictment for Burning a House.*

Inquiratur pro Domino Rege, si *W. S.* nuper de *O.* in Com' predict' *Smyth*, 12 die *Octobr.* anno regni, &c. circa horam 12 in nocte ejusdem die vi & armis, viz. Gladiis, Scutis, Baculis, Arcubus & Sagittis, apud *S.* in Com' predict' ad domum mansionalem cujusdam *Johannis C.* simne cum aliis veniebat ea intentione ad spoliand' dictum *Johannem*, de bonis & catalis suis in eadem domo tunc exilent' ac si idem *W.* nuper tecturam ejusdem domus, vulgariter nuncupat' *the covering of the House*, ad tunc & ibidem cum una Scala ascendebat & scandeat ea intentione per tecturam predict' ad intrand' & ingrediend, in domum illam ac si dictus *Wil.* simne cum aliis predict' *J. G. R. C. M. P. & Eliz. G.* in eadem domo tunc existent' tantum timorem corporalem tunc & ibidem inferebant ita quod de vitis suis desparabatur ac si dict' *Willielmus* simus cum aliis predictis ad tunc & ibidem ex malitia sua precogitata eandem domum cum igne tunc & ibidem felonice comburebant predict' *J. G. R. C. M. P. & Eliz. G.* in eadem domo existent' contra pacem, &c. Ac si *W. R. de B.* in Com' predicto *Teoman*, & *W. S.* de *S.* in Com' predicto generosus ante feloniam predict' per ipsos *J. C.* & alios fact' & perpetrat' predict' *Wil. S.* predict' 12 die *Octobr.* anno supradicto apud *B.* predict' in Com' predict' ad feloniam predict' sic in forma predict' faciend' & perpetrand' felonice excitaverunt procuraverunt & abettaverunt contra pacem, &c. ac si predict' *W. R. & W. S.* scientes predict' *Willielm. S.* simul cum aliis supradict' feloniam predict' in forma predict' sic fecisse & perpetrasse eundem *W. S.* postea scil' 13 die *Octobr.* anno predict' apud *B.* predict' in Com' predict' felonice receperunt confortaverunt, hospitaverunt & conclaverunt contra pacem, &c. *West. symb. 2 part 143. sect. 268.*

Staff. J.

LXXXIV. *Crompt. 245. pl. 42. An Indictment for Burglary.*

Inquiratur pro Domino Rege, quod cum *T. H.* nuper de *H.* in Com' predict' *Teoman*, 10 die *Maii*, anno regni, &c. domum mansionalem cujusdam *P. Armig'* apud *H.* predict' in Com' predict' circa horam 10 in nocte ejusdem diei felonice & burglariter fregit & intravit & quadraginta libr' in pecuniis numerat' de bonis & callis predict' *P.* in quadam citta in domo predicto ad tunc existent' invent' felonice cepit & asportavit, contra pacem dicti Domini Regis : Et si quidem *Christopherus G.* nuper de *H.* predict' in Com' *S.* predict' *Teoman*, ante feloniam & burglariam predict' per ipsum *T. H.* in forma predict' fact' & perpetrat' viz. 6 die *Maii*, anno supradicto eundem *T. H.* apud *H.* predict' in Com' predict' ad feloniam burglarium predict' in forma predict' sic faciend' felonice excitavit, abettavit & procuravit, contra pacem, &c. & si quidem *J. R.* nuper de *C.* in Com' predict' *Teoman*, sciens prefat' *T. H.* feloniam predict' in forma predict' sic fecisse & perpetrasse eundem *T. H.* dicto 10 die *Maii*, anno supradicto post feloniam predict' per ipsum *T. H.* sic ut prefertur fact' & perpetrat' eundem *T. H.* apud *H.* predict' in Com' predict' felonice receperunt, confortavit & hospitavit contra pacem dicti Domini Regis, &c. *Crompt. 245 b. 246. pl. 43, 44, 45. West. symb. 2 part 145. sect. 279, 280, 281, 282.*

LXXXV. *Lamb. Preced. 9 b. pl. 25. An Indictment for a Robbery in the High-way.*

Ram. J.

Inquiratur pro Domino Rege, si *A. B. de C.* in dicto Com' *Mariner*, sexto die mensis *Octobr.* anno regni, &c. vi & armis, viz. cum Gladiis & Pugione ad valentiam 10 s. districtis inter horas 7 & 8 ante meridiem ejusdem diei in alta via regia juxta quendam locum vocat' *Gads Hill*, infra parochiam de *F.* in Com' predict' petite *Chapman* tunc & ibidem in pace Dei, ac dicti Domini Regis existent' insult' fecit & ipsum *J. S.* tunc ibidem cum dicto Gladio percussit & vulneravit & viginti solidos legalis monetæ *Angliae* numerata



merata in crumena ipsius *I. S.* existent' de bonis & catallis predicti *I. S.* ad tunc & ibidem inventos à personis ipsius *I. S.* tunc & ibidem violenter & felonice cepit & asportavit in magnum predicti *I. S.* terrorem, ac contra pacem dicti Domini Regis coronam & dignitatem suas.

LXXXVI. *Lamb. Preced. 9 b. pl. 26. An Indictment for the taking of a Purse privately from the person.* *Kanc. ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod *I. S.* nuper de *A.* in dicto Com' *Taylor*, sexto die *Julii*, anno regni, &c. apud *A.* predict' in Com' predict' in quodam loco ibidem vocat' *the Elms*, vi & armis in quendam *R. M.* de *A.* predict' in Com' predict' *Crocer*, insult' fecit & 20 s. in pecuniis numeratis in crumena ipsius *R. M.* tunc ibidem existent' inventas de predict' crumena ipsius *R. M.* tunc & ibidem à persona ipsius *R. M.* clam & insciente ipso *R. M.* felonice cepit & asportavit, contra pacem dicti Domini Regis, ac contra coronam & dignitatem suas.

LXXXVII. *Lamb. Preced. 10. pl. 27. An Indictment against the stealer of a Horse, and his after Accessary, Lamb. Preced. 10 b. pl. 29. of a Cow.*

Juratores pro Domino Rege super sacramentum suum presentant, quod *A. B.* nuper de *E.* in dicto Com' *Gelder*, 29 die *Aug'* anno, &c. vi & armis quodam stabulum in domo mansionali cujusdam *I. S.* infra parochiam de *E.* predict' in Com' predict' existens fregit ac intravit & unum Equum spadonem, Anglice vocat' *a Gelding*, coloris albi, pretii 6 l. & unum Equam, coloris nigri, pretii 30 s. de bonis & catallis ipsius *I. S.* tunc & ibidem existent' inventos felonice cepit & abduxit, contra pacem dicti Domini Regis, coronam & dignitatem suas. *Kanc. ff.*

Et quod *K. H.* nuper de *E.* predict' in Com' predict' *Horse-conrser*, sciens prefat' *A. B.* feloniam predict' apud *E.* predict' modo & forma predict' fecisse & perpetrasse eundem tamen *A. B.* apud *E.* predict' in Com' predict' 30 die dicti mensis *Aug'* anno supradicto felonice recepit & hospitio excepit post feloniam predict' sic per ipsum *A. B.* ut prefertur fact' & commissum, contra pacem dicti Domini nostri Regis nunc, ac contra coronam & regiam dignitatem suas.

LXXXVIII. *Lamb. Preced. 10. pl. 28. An Indictment against a Servant that stealeth his Masters Goods committed to his keeping.* *Kanc. ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod cum *A. B.* de *E.* in dicto Com' *Mercer*, 20 die *Septembr.* anno regni, &c. in domo mansionali ipsius *A. B.* apud *E.* predict' in Com' predict' deliberrasset & cuidam *E. F.* de *E.* predict' in dicto Com' *Mercer*, tunc serviens ipsius *A. B.* pro uno anno integro retento acetatis 19 annorum existenti 10 l. in pecuniis numeratis de bonis ipsius *A. B.* ea intentione ut idem *E. F.* eadem salvo custodiret ad usum predict' *A. B.* tunc Magistri sui idem *E. F.* dicto 20 die *Septembr.* anno supradict' (Apprenticius dicti *A. B.* tunc non existens) apud *E.* predict' in Com' predict' à dicto Magistro suo una cum predict' 10 l. dicti *A. B.* tunc Magistri sui malitiose & felonice discessit abiit & aufugit ea intentione ad furand' dictas 10 l. contra fiduciam in eo per prefat' *A. B.* tunc Magistrum suum repositam & collocatam, & ad inde dictum *A. B.* Magistrum suum predict' defraudand', contra pacem dicti Domini Regis, ac contra formam diversorum Statutorum hujus regni *Angliae* in hujusmodi casu provisorum & editorum, 21 H. 8. 7. §. 1. N. 2. & 5 Eliz. 10.

Corruption

Corruption of Bloud, see Coron.  
 Corporal Pain, see Pain, Judgment.  
 Costs, see Damages.  
 Cottages, see Poor.  
 Counterfeits, see Forgery.  
 County-Courts, see Justices, Sheriffs.  
 Courts, see Justices.  
 Coupers, see Trades.  
 Coynage, see Money.  
 Counsel, see Pleading.  
 Cries, see Fresh-Suit.  
 Cross-Bows, see Games, Wars.  
 Crows, see Fowl.  
 Cursing, see Oaths.  
 Curriers, see Leather.  
 Customers, see Merchants, Admiral.  
 Custus Rotulorum, see Peace.  
 Cut-purses, see Coron.  
 Cutting of Tongues, Ponds, &c. see Coron.

### Costs, Damages.

I. 18 *Eliz.* 5. §. 3. N. 3. And that if any such Informer (*viz. on penal Law, &c.*) shall willingly delay his Suit, or shall discontinue, or be Non-suited, or have Verdict or Judgment against him, then he shall yield, &c. unto the party Defendant his Costs, Charges and Damages to be assigned by the Court in which the same Suit shall be attempted.

### Days.

*Lent, Sabbath, Limitation.*

**L** *Amb.* 4. cap. 4. pag. 452. Enquiry in Sessions if any person (other than by reason of Age, Sicknes, Childing, or License) have within this year eaten Flesh in Lent, or upon any Fish day observed by the custom of this Realm, 2. & 3, *Ed.* 6. 19. §. N. & 5 *Eliz.* 5. §. N.

II. *Shepherds Clerks Cabinet*, 17. cap. 3. A Warrant to any forfeiture, on 1. *Car.* 1. cap. 1. §. N.

*W. S. Esquire, &c. to the Constables and Tythingmen of D. within this County and every of them, or to the Churchwardens of D. and C.*

Whereas the persons undernamed, all of your Parish of *D.* within this County, have been lawfully convicted before me, that the first day of *May* last past, being the Lords-day, did cause or maintain, or keep an Assembly, Meeting, or Concourse, at *Sal* in this County, being out of their own Parish, for Sports and Pastimes, *viz.* for Foot-ball and for Wrestling: (or caused an Assembly, Meeting, or Concourse of People for a Bear-bating, or for a Bull-bating, or for a Common Play, or for Cards and Dice, or for Dancing, &c.) contrary to the Acts of Parliament in that case provided, by which either of them hath forfeited 3. s. 4. d. a piece, for the use of the poor of your

your Parish, to be levied by the Constables or Churchwardens by distress, and sale of the Goods of the Offender; and in default of Distress, to be put in the Stocks three hours. These are therefore to Authorize and Require you, forthwith to levy the same Sum of 3. s. 4. d. of every of the said named persons, and of their Goods respectively by distress and sale thereof, rendring to them the overplus. And in case of lack of distress, that then you see that the same person or persons lacking distress, be set publickly in the Stocks by the space of three hours, and the same mony forfeited being by you received, that you take care the same be by you employed to the use of the Poor of your Parish, according to the said Act; And hereof fail not, &c. Given under my Hand and Seal, the tenth day of, &c.

*W. S. of Dale, Husbandman.*

*I. S. of the same, Yeoman.*

*K. L. of the same, Labourer.*

*N. M. of Sale, Yeoman.*

III. *Shepherds Clerks Cabinet*, 19. cap. 30. Warrant on 3 *Car. 1. cap. 1. Ways*, & N for the forfeiture.

*W. S. &c. To the Constables, &c.*

It being duly proved before me, that *I. S.* of your Parish of *D.* a common Carrier, &c. the first day of &c. *Anno* &c. being the Lords day, in your Parish of *D.* aforesaid, did, being then a common Carrier, with his Horse, &c. Travel into and through your said Parish of *D.* contrary to the Statute in that case provided, by which he hath forfeited twenty Shillings to the use of the poor of your Parish of *D.* These are therefore to Authorize and Require you, forthwith to levy the same twenty Shillings of the Goods of the said *I. S.* by distress and sale thereof, rendring to him the overplus: And the same so by you received, that you see it be employed to the use of the Poor of your Parish, according to the intent of the same Statute, and hereof, &c. Given under my Hand and Seal, &c. the tenth day of, &c. *Glouc. B.*

II. *ibid.* A Warrant against a Butcher for killing meat on the Lords day, *Cattel*, on 3 *Car. 1. cap. 1.*

*To the Constables and Tythingmen of D. and every of them; or to the Churchwardens of D. &c.*

*W. S.* One of his Majesties Justices for this County of *G.* assigned to keep the Peace, Greeting. *Glouc. B.*

It being duly proved before me, that *I. S.* of your Town, Butcher, did in *D.* aforesaid, the first day of *May* last past, being the Lords day, kill or cause to be killed Victuals, to wit, one Calf (or did sell Victuals) contrary to the Act of Parliament in that case provided; whereby he hath forfeited 6. s. 8. d. to the use of the Poor, &c. These are therefore to Authorize and Require you, forthwith to levy the same 6. s. 8. d. &c. and hereof you are not to fail, &c. Given, &c.

III. *ibid.* *To the Constables, &c.*

It being duly proved before me, or some of his Majesties Justices, &c. that *I. S.* of your Parish, did, the first day of *May* last, being the Lords day, at *Dale* aforesaid, without reasonable cause, carry Burthens, viz. a Bushel of Wheat to a Mill there (or do worldly Labour and Work, viz. drive Cattel from one ground to another, half a mile distant) contrary to the Act of Parliament in that case provided, by which he hath forfeited 5. s. to the use *Glouc. B.*



use of the poor, &c. These are therefore to Authorize and Require you, &c. Given under my Hand and Seal, &c.

*Shepherds Clerks Cabinet, 20, 21. A Warrant upon 1 Car. 1. cap. 1. a. gainst Officers for negligence.*

Games.

*To the Constables, Churchwardens, and Overseers of the Poor of the Parish of N. in the County of Glouc.*

*Glouc. ff.*

Information and Complaint being given in and made unto us, *W. S. and I. S.* two of his Majesties Justices, &c. that the prophanation of the Lords Day is very much and frequently practised within your Parish by disorderly meetings of young people, by Gaming, Sports and Pastimes, Drinking, Tipling, and by other means, contrary to the Laws in that case provided; and that you are negligent in the duties laid upon you by the same Laws. These are therefore straitly to charge you henceforth to look to it, that no such disorders be hereafter among you, but that you forbid the same, and that you do from time to time, according to the duty of your places, make diligent search for the finding out, apprehending, and punishing of all them that shall be found offenders herein; and that you do inform us hereof as occasion shall be. And that you or some of you appear before the Justices of the Peace at the house of, &c. upon, &c. to bring in the Names in writing of those persons who shall in the mean time offend in the Premises. Letting you to know that if you fail hereof, we shall not fail to inflict the punishment appointed by the same Laws upon you, for your neglect therein. Given under our Hands, &c.

*Death, see Coron.*

*Dear, see Forest.*

*Deceit, see Collusion.*

*Deeds, see Inrollment.*

*Dedimus Potestatem, see Oath.*

*Demurrer, see Pleading.*

*Denyal of Offence, see Proof.*

*Deodand, see Coron.*

*Departure, see Apprentice.*

*Deputy, see Officer.*

*Denizen, see Alien.*

### Dignity.

*Peers, Priviledge nosine Tryals.*

Addition.

**L** *Ambert 4. cap. 5. pag. 480. even so ought it to have been at the Common Law also (viz. before 1 H. 5. 5. of additions in Indictments; where process of Outlawry lay &c.) as touching Names of Dignity made by Creation; as Duke, Marquess, Earl, Viscount, Arch-Bishop, Bishop, Knight, or Serjeant at Law; because every of these Titles was accounted parcel of the Name: But it was not so of the Names of Baron, Baneret, and Esquire, which are but Names of Dignity without collation, nor of Chancellor, Treasurer, Chamberlain, Sheriff, Coroner, Escheator, Bayliff, Dean, Arch-Deacon, Prebendary, or Parson: Which are Names of Dignity by reason of Office only, unless the presentment did charge them in respect of their Offices.*

*II. Lamb.*

II. *Lamb.* 531. I mean by the word Nobility as our Law speaketh, which callethe none Noble under the degree of a Baron, and not as men of foreign Countries, do use to speak; with whom every man of Gentile Birth is accounted Noble: For we daily see that both Gentlemen and Knights do serve in the Parliament as Members of the Commons: Howbeit in cases of forcible Entry, Riot, and unlawful Assembly, or such like; they of the Nobility shall be tryed by twelve men, even as other inferior Subjects, 3 & 4 *Ph. & Mar.* reported by *Dalison*. Nofine.

III. *Crompt.* 134, 135. A man who would have the Peace against a Lord, or such a Great Man whom the Sheriff durst not Arrest, may have a Subpoena out of the Chancery against him of common right, as it was held in the Exchequer Chamber by all the Justices, in the Case of the Dutcheff of *Suffolk*. Peace.

35 *H. 6. Subpoena* 20. *Query*, If he will not appear upon the Subpoena, if he shall have an Attachment; for it was held in the case of the Lord *Cromwel* in Chancery, about 18 *Eliz.* that an Attachment doth not lye against a Lord, where he makes default upon a Subpoena against him out of the Chancery, see *Dyer* 315. *Pl. accord.* see *Rast. Entr.* 29.

The Lord *Tiplofs* threatened and assaulted another, and it was made appear, and commanded that he should not meddle, who promised it, see 24 *Ed.*

3. 33 *Contempts*, *Br.* 6. the like mattec, 17 *Ed.* 4. 4.

IV. *Dalt. I. S.* 16. cap. 68. the Law hath conceived such an opinion of the peaceable disposition of Noblemen, that it hath been thought enough to take one of their promises upon his Honour, that he would not break the Peace against a man: And therefore if a man shall have cause to have surety of the Peace against a Lord of the Parliament, or such Great and Noble Personage, he shall not have a Warrant from the Justices of the Peace to that purpose, nor yet have a Supplicant out of the Chancery, directed to the Justices of Peace therefore; but if there be cause, he shall have a Subpoena 20. of common right, as it seemeth, out of the Chancery, and there such Lord, &c. shall be bound to the Peace, &c. *Contempt*, 134. Recogni.

V. *Dalt.* 161, 162. cap. 68. But though it be true, that the person of a Baron, who is a Peer of the Parliament, shall not be arrested for, or in cases of Debt, or Trespas by his Body, in respect of their Dignity and Sufficiency; yet in cases of Contempt it seemeth they may be arrested by *Capias* or Attachment, &c. 27 *A. 8.* 22. *b. 6 Co.* 53, 54. & 11 *H. 4* 15. *Replevin Br.* 19. 9 *Co.* 45. or else it seemeth, that the party may have the Peace in the Chancery against such Lord or Peer, to have a Supplicant to the Sheriff, &c. *F. N. B.* 79. Arrest.

VI. *Dalt.* 335. cap. 118. But the Justices of Peace are not to grant their Warrants for the Peace, or the like, against any Nobleman: And yet if a *Capias* or Attachment shall be awarded against a Baron or Peer of the Realm, from the Kings Justices at *Westminster*, for a Contempt, or in case of Debt, or Trespas, the Officer without any offence of Law, may execute the same, &c. Process.

*Distress, see Process and Replevin.*

## Drapery.

*Cloth, Dyers, Wooll, Logwood.*

I. *Ambert* 3. cap. 1. pag. 331. Two such Justices *quorum unus*, may once every year appoint Overseers for the whole year following, of Cloth to be made or sold in any Town, not being Corporate, and may charge them upon their Oaths to see execution of some parts of the Statute, 3 & 4 *Ed.* 6. 2 *P. I. N.* 1 *Dalt.* 42. cap. 14. Corporation.

Q q 2

II. *Lamb.*

Officer.

II. *Lamb.* 364. If any person, commanded by two Justices of Peace to appear, to be made an Overseer, to see 3 & 4 *Ed.* 6. 2 §. 12. N. 1. kept, do without reasonable excuse refuse to come, and to take upon him that Office; he is to forfeit for every such refusal, 40. s. and thereof those Justices are appointed to have the one half.

Collusion.

III. *Lamb.* 461, 462. Inquiry at Sessions on 3 & 4 *Ed.* 6. 2 §. 1. N. 1. If any Clothier have not set his Seal of Lead unto his Cloth, thereby declaring the just length thereof, to be tryed by the water. (2.) If any person have stretched any Cloth above one yard and a half in length, or one quarter of a yard in breadth, or have put to sale any Cloth, that hath shrunk more in the wetting than is aforesaid, or have stretched any narrow, strait, or Kersey, above one yard in length or a quarter in breadth, or have put any such to sale. (3.) If any Dyer of Woollen Cloth have dyed any Brown, Blews, or Pewbs, Tawnies, or Violets, that were not perfectly boyled, greened, or maddered upon the Woad, and that with good Cork or Orchard sufficiently. (4.) If any have dyed any Wool for Cloth called Russets, Marbles, Grays, Bays, or such like; or Furr Hats or Caps, unless it were perfectly woaded, boiled, and maddered, or have died with Brazil, to the intent to make a false colour in any such Cloth or Wooll, or have put any Flox, Calf, Starch, or other deceivable thing upon any Cloth, except certain *Devonshire* and *Cornwal* Straits: Or, (5.) Have occupied any Iron Cards or Picards in Rowing of any woollen Cloth, have sold any Cloth of any less measure than after the true content thereof by the Yard and Inch; or have put to sale in this Realm any Cloth, being pressed, to be occupied in *England*, *Wales*, or *Ireland*. 6. If any Overseers of Cloth, appointed by the Justices of Peace for this year, have refused to be Overseers, or have not within their charge made due search thereof once every Quarter, and if any person have interrupted them to make such search. *Dalt.* 44. 45. cap. 14.

Justices.

IV. *Lamb.* 355. Two Justices of Peace dwelling next any City or Town, where any Retailer of woollen Cloth shall present unto them any defective Cloth against 5 & 6 *Ed.* 6. 6 §. 31. N. 1. (being conferred with 4 & 5 *Ph.* & *Mar.* 5 §. 34. N. 1.) shall cause the same to be cut into three equal parts, whereof the one to be to the King, the other to the Prosecutors, and the third to the Justices themselves, *Lamb.* 364. *Crompt.* 200. *Dalt.* 44. cap. 14.

Measures.

V. *Lamb.* 462, 463. Inquiry in Sessions on 5 & 6 *Ed.* 6. 6 §. 4. N. & 4 & 5 *Ph.* & *Mar.* 5 §. 4. N. 1. If any Kentish Broad Cloth, except course Cloth only, not exceeding 6. li. price, hath been made, that containeth not in length between eight and twenty and thirty Yards being wet, and in breadth seven Quarters within the Lists, and in weight seventy six pounds, being well scowred, thicked, mill'd, and fully dyed; and so changing it after their rates for other Countries, as by these Statutes appeareth.

Market overt.

VI. *Lamb.* 463. For regrating of Wools by *Halifax* men, see 2 & 3 *Pl.* & *Mar.* 13.

Trades.

VII. *Lamb.* 463. Inquiry, &c. If any person have used, or caused to be used, any racking, beating, or casting of any deceitful Liquor or other mean, with any kind of Linen Cloth, whereby the same became deceitful, or the worse for the good use thereof, 1 *Eliz.* 13. *Dalt.* 45. cap. 14.

Justices.

VIII. *Lamb.* 330. Any two Justices of Peace may dispose of the moneys, rising by the deceitful stretching of the Northern Cloth, &c. 39 *Eliz.* 20. §. 4. N. 1. *Crompt.* 97. & 4 *Jac.* 2.

Forfeiture.

IX. *Crompt.* 198. Any two Justices of Peace of the County, where any Logwood *alias* Blockwood shall be found, in whose hands soever it shall be, may openly burn it as forfeited, 23 *Eliz.* 9. §. 2. N. 1.

Justices.

X. *Dalt.* 42. cap. 14. Every Justice of Peace may enter in and upon any Houses, Lands, or Grounds, and make search for any Tainters, Wrenches, or



or other Engines whatsoever, whereby any deceit may be used in or about the stretching of any woollen Cloth, and may utterly deface the same Tainters, &c. And for the second offence may sell them away to the best value thereof, 39 *Eliz.* 20. §. 8. N. 1. & 43 *Eliz.* 10. §. 9. N. 1.

XI. *Dalt* 45. cap. 14. Any two or more Justices of the Peace within the County, City, Borough, or Town Corporate, where deceivable Cloth shall be made or suspected to be made, upon complaint or Information of any Overseer, Searcher, or any other, of any such offence; may grant their Warrant to call before them any person or persons, that in their discretions shall be thought fit to discover any such offence; and may examine upon Oath any such persons, for the Trial and better finding out of the said offence: And if upon such Examination, it shall be found by Testimony of two Witnesses or more, or by the Confession of the Offender, that any such offence hath been committed; the same shall be a sufficient conviction of the offence, and then the said Justices shall or may certify such offence unto the Church-wardens and Overseers for the time being, of the Poor of the Parish, where such deceivable Cloth shall be made, under the Hands and Seals of the said Justices: And upon such Certificate, and a Warrant made by the said Justices to the said Overseers and Churchwardens for the levying of the forfeiture; the said Overseers and Churchwardens, or any of them, or their or any of their Successors, immediately from and after such Certificate or Warrant delivered to them or any of them, may levy the sum or sums of money, which by the said Certificate and Warrant shall appear to be forfeited by way of distress and sale of the Offenders Goods, rendering to the Offender the overplus, &c. And in defect of such distress, the said two Justices may commit the Offender to the common Gaol, there to remain without Bail until payment shall be made of the sums so forfeited, to the said Overseers and Churchwardens, or some or one of them, 21 *Jac.* 18. §. 2. N. 1.

Process.

XII. *Dalt* 45. cap. 14. Any two Justices of the Peace may take order between the Clothier and his Spinsters, Carders, Kembers, Sorters, and Weavers, which shall unjustly or deceitfully convey away, imbezil, sell, or detain any part of the Wooll or Yarn delivered to them, 7 *Jac.* 7. §. 2. N. 1.

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XIV. *Pract. Prec.* 91, 92. An Indictment for cozening of Clothiers.

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Juratores pro Domino Rege super sacramentum suum presentant, quod *A. B.* nuper de *I.* in Com' predict' Mercator Scissor est persona valde mali nominis & famæ & conversationis inhonestæ, communis deceptor & defraudator subditorum dicti Domini Regis, & quod ipse 30 die *Novemb.* anno, &c. apud *L.* viz. in parochia Sancti *B.* &c. & diversis aliis locis & diebus infra Civitat' predict' tam antea que postea quendam *T. R.* de Civitate *W. Clothier*, & multos alios fideles subditos dicti Domini Regis decepit & defraudavit & per fraudem astutiam & deceptionem diversos Pannos Laneos Angl' vocal' *Broad-Cloths.* Tam de predict' *T. R.* quam de diversis aliis dicti Domini Regis subditis perquisivit habuit & percepit in depauperationem subditorum dicti Domini Regis & in pessimum & perniciosissimum exemplum aliorum ligeorum & subditorum dicti Domini Regis in hujusmodi casu delinquentium & contra pacem dicti Domini Regis nunc Coronam & dignitatem suas & contra form' Statuti in hujusmodi casu editi & provisi:

London. f.

Discretion

Officer.

II. *Lamb.* 364. If any person, commanded by two Justices of Peace to appear, to be made an Overseer, to see 3 & 4 *Ed.* 6. 2 §. 12. *N.* 1. kept, do without reasonable excuse refuse to come, and to take upon him that Office; he is to forfeit for every such refusal, 40. s. and thereof those Justices are appointed to have the one half.

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Discretion



Discretion, see Justices.  
 Discontinuance, see Proceſs.  
 Disturbers, see Riot, Force.  
 Divine Service, see Religion.  
 Dogs, see Cattel.  
 Doves, see Fowl.  
 Draw Latches, see Coron.  
 Drovers, see Cattel.  
 Drunkenneſs, see Ale.  
 Dures, see Imprisonment.  
 Dyers, see Drapery.

### Ecclesiastick Persons.

Person, Incumbent, Church Ordinary.

Pope.

I. *Amb.* 4. cap. 4. pag. 405. Article of Charge in Sessions if any have within this half year, by Writing, Printing, Teaching, expreſs Deed, or Act, adviſedly, maliciously, and directly affirmed, held in, ſet forth, or defended the Authority, Preheminence, Power, or Jurisdiction, Spiritual or Eccleſiaſtical of any foreign Prince or Perſon whatſoever, heretofore claimed, uſed, or uſurped, &c. 1 *Eliz.* 1. §. N. 5 *Eliz.* 1. §. 3. N. 1. & 23 *Eliz.* 1. §. 8. N. 1.

Incumbent.

II. *Lamb.* 411. *ibid.* Inquiry if any perſon hath of purpoſe, maliciously, or contemptuouſly moleſted, or by any unlawful means miſuſed any Preacher lawfully Authorized, in any his open Sermon or Preaching in any Church or other place uſed, or to be appointed; and who were his Aiders, Procurers or Abettors, 1 *Mar.* 1. St. 2. cap. 3. §. 3. N. 1. learn if this Statute do ſtand for this part.

Religion.

III. *Lamb.* 412. Inquiry if any Parſon, Vicar, or Miniſter, have reſuſed to uſe the Common Prayer, or to Miniſter the Sacraments according to the Book of Common Prayer, or wilfully ſtanding in the ſame, have uſed any other form in open Prayers, or in adminiſtration of the Sacraments, or have ſpoken any thing in derogation of the ſaid Book, or any part thereof: Or if any have cauſed or maintained any Parſon, Vicar, or Miniſter, to ſay any Common Prayer, or to Miniſter any Sacrament in any other manner than after the ſaid Book; or have interrupted any Parſon, Vicar, or Miniſter, to ſay open Prayer, or to adminiſter any Sacrament according to the ſaid Book, 1 *Eliz.* 2. §. N. & 23 *Eliz.* 1. §. N.

Religion.

IV. *Crompt.* 12. a. b. *Item*, You ſhall inquire, &c. If ſuch Eccleſiaſtical Perſon who ſhould ſay Common Prayer, and Miniſter the Sacraments in any Cathedral or Parochial Church, or other place; hath not within this year and day, ſaid and uſed matters, even to the adminiſtration of the Sacraments, and all their Common and open Prayers in ſuch order and form, as is mentioned in the Books of Common Prayer, authorized by Parliament, &c. By the ſaid Statute 23 *Eliz.* 1. §. 8, 9. Juſtices of Peace may enquire within the Year and Day, but cannot hear and determine; but the Juſtices of Oyer and Terminer, or of Aſſize, may hear and determine: But ſee if a Juſtice of Peace cannot award Proceſs upon the Indiſtment, until he appear and plead to the Indiſtment: And then for Trial, ſend the Record in *B. R.* to the intent it ſhall be tryed by *Niſi Prius*; or if he ſhall ſend the Indiſtment in *B. R.* immediately, without awarding Proceſs; becauſe they have

no

no authority by the Statute, 23 *Eliz.* 1. §. 8. but only to enquire.

V. *Crompt.* 16. b. Charge in Sessions if any hath kept or maintained any Schools, Schoolmaster, who doth not resort to the Church, as is mentioned in 23 *Eliz.* 1. §. N. or who is not allowed by the Ordinary of the same Diocess where such Schoolmaster shall be kept; he shall forfeit 10. *li.* every month, for keeping such Schoolmaster: And every Schoolmaster presuming to instruct Youth, being thereof convicted, shall be disabled and shall be imprisoned for a year without Bail or Mainprize, 1 *Jac.* 4. §. N.

VI. *West. Symb.* 2. part 137. b. sect. 239. An Indictment of a Priest for Bastardy, keeping a Concubine, *Praët. Prec.* 74.

Inquiratur pro Domino Rege si *H. R.* nuper de *K.* in Com' *W.* Clericus *Warwick. f.* primo die *Decembr.* Anno Regni &c. Vi & Armis Deum per oculis suis non habens: Nec legem Dei & Domini Regis timens & ordinem Sacerdotalem nihil regardans tanquam Ribaldus & Luxuriosus & Riotosè sicut transgressor malefactor, & pacis Domini Regis perturbator irregulariter & extra legis morem & honestam vitæ virtuosæ & Sacerdotiæ dignitatis seipso utens apud *K.* predict' in com' predict' hospitium illicitum levavit & custodivit & quandam *A. B.* mulierem defamat' & stuprosam publicè ac notoriè custodivit occupavit & habuit & ipsam *A. B.* a predict' primo die *Dec.* Anno supradict' adtunc & ibidem continuand' & adhuc quotidie & noctanter manifestè & aperte custodivit occupavit & habet in communi stupro lemocinum in maximum periculosum exemplum aliorum malefactorum contra pacem dicti Domini Regis &c.

VII. *Praët. Preced.* 77. An Indictment of a sp. Parson for buying and Markers, selling, on 21 *H.* 8. 13. §. 5. N. 1.

Juratores pro Domino Rege super Sacramentum suum presentant quod *Essex. f.* cum in Statuto in Parlamento Domini *Henrici* nuper Regis Angl' 8. apud *Westminster* Anno Regni sui 21. Ten' Edit' inter cætera ordinat' sit quod nulla spiritualis persona seu personæ secular' vel regular' cujuscunque status seu gradus fuit deinceps per seipsum nec per aliquem alium per se, nec ad ejus usum Barganizaret & Emeret ad vendend' pro lucro seu perficiu in aliquibus mercatis feriis seu aliis locis aliqua catalla grana, seu plumbum pisces sanam Boscum &c. seu aliquos victus, seu merchandizas cujuslibet generis fuit subpœna furisfact' triplum valorem cujuslibet rei per eas seu eorum aliquem ad eorum usum Barganizat' & Emp' ad revendend' in contrarium illius presentis actus & quod quilibet hujusmodi Barganizatio seu contractus impoterum per eas fiendum seu per aliquam alium ad eorum usum in contrarium ejusdem actus penitus forent vacuæ & nullius effectus & quod una medietas cujuslibet talis foris facturæ esset Domino Regi & altera medietas inde illi qui voluit persequi pro eadem per breve Original' debit: Billam seu informat' in aliquibus curiis Domini Regis in qua actione seu secta nulla vadiat' legis per defend' admittetur nec aliquod effom' nec protectio allocetur prout in Statut' predict' plenius continetur.

Quidam tamen *A. N.* &c. de com' predict' Clericus Statut' predict' minime ponderans 8. die *Maii*, Anno Regni &c. Emit' 10. boniculos Angl' *Steers* pretii eorum cujuslibet 30. *s.* & illos cuidam ignot' postea pro lucro & proficiuo suo revendit contra form' Statut' predict' ac contra pacem dicti Domini Regis nunc Coron' & dignitat' suas.

VIII. *Praët. Preced.* 173. An Indictment for not wearing the Surplice. *Encumbent.*

Juratores pro Domino Rege super Sacramentum suum presentant quod *A.* *Essex. f.* *B.* nuper de *C.* in com' predict' Clericus die dominica viz. 1. die *Sept.* Anno Regni &c. apud *C.* predict' in com' predict' viz. in Ecclesia Parochiali ibidem palam & publicè dicebat & usus fuit preces matutinas & vespertinas Anglicè

glicè vocat' *Morning and Evening Prayers*, diversis Parochianis & Inhabitantibus ejusdem parochiæ in Ecclesia predict'. Ad tunc & ibidem presentibus & existentibus non Judens vel utens tempore dictionis precationum predictorum aliquo super pellico vocat a *Surplice*, aut aliquo alio ornamento Ecclesiæ assignat' Clericis & Ministris utendum infra hoc Regnum Angliæ tempore dictionis precationum predict' & quod predictus *A. B.* predicto die *Sept.* Anno supradict', viz. tempore dictionis precationum predict' apud *C.* predict' in Ecclesia Parochiali predict' in com' predict' omnino recusavit Induere sive uti aliquo super pellico contra form' Statut' in hujusmodi casu editi & provisi & contra pacem dicti Domini Regis Coronam & Dignitatem suas.

*Eggs*, see *Fowl*.

*Egyptians*, see *Poor*.

*Embracery*, see *Maintenance*, *Enquest*.

*Embezzelling*, see *Collusion*, *War*.

*Encumbent*, see *Ecclesiastick Persons*.

*Endictment* see *Indictment*.

*Enfant*, see *Infant*.

### Enquest.

*Jurors*, *Charge*, *Challenge*.

- Fees*. I. 9 *H. 3.* 26. *Magna Charta*, Nothing shall be taken for Enquest of Life or Member.
- Amerciament*. II. 52 *H. 3.* 24. Justices in Eyr shall not amerce Townships, because all above 12 do not appear, so there be a full Enquest, except on Death of a man.
- Sheriffs*. III. 3 *Ed. 1. W. 1.* cap. 11. Favourable Enquests shall not be taken by Sheriffs, by the Writ *de odio & alia*, but by lawful men chosen by Oath, whereof two at least shall be Knights.
- Coron*. IV. 4 *Ed. 1.* pag. 28. St. 2. cap. 1. §. 1. N. 2. *de Officio Coronatores*. Upon the Oath of four, five or six of the next Towns, he shall enquire on the body of parties slain, the manner, &c.
- Writs*. V. 6 *Ed. 1.* cap. 9. §. 1. N. 1. *Glocester* No Writ shall be granted out of the Chancery for the death of a man, to enquire whether a man did kill another by misfortune, or in his own defence, or in other manner, without Felony.
- Challenge*. VI. 33 *Ed. 1.* *Ordinance for Enquests*, pag. 69. §. 1. N. 1. Of Enquests to be taken before any of the Justices, notwithstanding it be alledged by them that sue for the King, that the Jurors of those Enquests, or some of them be not indifferent for the King; yet such Enquests shall not remain untaken for that cause.
- Leet*. VII. The 33 Articles of Charge in view of Frank-pledge, 18 *Ed. 2.* pag. 84.
- Alien*. VIII. 14 *Ed. 3.* 4. §. 1. N. 2. Englishire shall not be given in charge, &c.
- Challenge*. IX. 25 *Ed. 3.* Stat. 5. cap. 3. No Indictor shall be put in Enquests upon the deliverance of Indictors of Felonies or Trespas, if he be challenged for that cause, &c.
- Process*. X. 25 *Ed. 3.* Stat. 5. cap. 4. None shall be taken by Petition or Suggestion, made to the King or Council, unless it be by Indictment or Presentment, &c.



XI. 42 Ed. 3. 4. §. 1. N. 2. Commissions of Enquiry shall be made to some Commissions.  
Justices, &c. *Poult. de Pace* 169 b. §. 1.

XII. 11 H. 4. 9. §. 1. N. 3. No Indictment to be made but by Enquests Retorn.  
Returned by Sheriffs without any denomination of parties, &c. *Lambert*

391. *Dalt. Sheriff.* 119. b.

XIII. 8 H. 6. 9. §. 4. N. 1. Shall have Forty Shillings *per Ann.* that En- Ability.  
quire of forcible Entry.

XIV. 3 H. 7. 1. §. 1. N. 4. The Justices of Peace of every Shire may take by Process.  
their discretion an Inquest thereof, each to have *xl. s.* &c. *per Ann.* to en-  
quire of the Concealments of other Enquests taken before them, and afore  
others, of such matters and offences as are to be Inquired and Presented  
before Justices of the Peace, whereof complaint shall be made by Bill. &c.  
as well within Franchise as without 33 H. 8. 6. §. 20. N. 1. *Lamb.* 396.

XV. 3 H. 7. 1. §. 1. N. 5. And if any such Concealment be found of any Amerciament.  
Enquest, &c. had or made within the year after the same Concealment,  
every person of the same Enquest to be Amerced, &c. by the discretion  
of the same Justices of Peace, the said Amerciaments to be fessed in plain  
Sessions.

3 H. 8. 12. §. 1. N. 4. All Pannels to be Returned which be not at the suit Sheriffs.  
of any party that shall be made and put in by every Sheriff and their Mini-  
sters before any Justice of Goal Delivery or Justice of Peace, whereof one  
to be of the *Quor. m.* in their open Sessions to Enquire for the King, shall  
be reformed by putting in and taking out of the Names of the persons  
which are to be Impannelled by every Sheriff and their Ministers, by dis-  
cretion of the same Justice, before whom such Pannels shall be Returned,  
*Lamb.* 395. *Dalt. Sheriff.* 120. *Poult. de Pac.* 173. §. 8.

XVII. Articles of charge in the Sessions in *Lambert* 4. cap. 4. pag. 399. Sessions.  
in *Crompt.* 11. b. 12. a. *Boult.* 2. pag. 83.

XVIII. *Lambert* 396. And because the Jurors of those dayes (*viz* 3 H. 7. Justices.  
1. §. 1. N. 4.) were yet wilfull in their Concealments, it was provided  
within Eight years after (*viz* 11 H. 7. 3. §. 1. N. 3.) that the Justices of  
Peace should determine Causes upon Information, without any such Pre-  
sentment, but many times *in vitium ducit culpa fuga*, and therefore that Or-  
dinance endured not long, &c. (1 H. 8. 6. §. 2. N. 3.)

XIX. *Lambert* 525. So that now again the Tryal of offences ought Tryals.  
for the most part to proceed either after the general order of the Common  
Law, or upon such special Examination, or other proof, as some Statutes  
do give in special Cases, and this hearing at Liberty and Discretion hath  
seldom any place.

XX. *Lambert* 4. cap. 3. pag. 393. Our Common manner in Kent (*agree-* Retorn.  
*ing* with the form of the Precept) is to return particular Juries for the  
Hundreds, and one general Jury for the body of the Shire; this last is  
made up with us for the most part of the Constables only, and those others  
if they be not filled at the first, are wont to remain, and to be renewed  
with the Rules from Sessions to Sessions: but that usage is no small hinder-  
ance to the service as many do think, by reason that those particular Juries  
being seldom served with full appearance, the whole Enquiry standeth  
only upon their labor that are Impannelled for the body of the Shire, that  
is to say upon one man of each Hundred, or two at most, who cannot be  
thought to see so much as a whole Jury of Eyes both do and may see, and  
therefore they think that it were good to make up some of the particular  
Juries also when they be not full *de Circumstantibus* of other Hundreds, by  
which means, either the whole Shire, or at the least a great many parts  
thereof might perused and serve; and to this Opinion Mr. Marrow seemeth  
to encline, saying, That in default of those which are Returned, the Ju-  
stices may take a Jury *de Circumstantibus*, and hereunto also 3 H. 8. 12. §. 1. N.  
5. sheweth good Consent.

Lieu.

XXI. *Lambert* 394. Neither is it to be objected that men being all of one Shire, may not take knowledge of things done in divers Hundreds, seeing they have divers occasions of meeting together, as at the County Court, the Sheriffs turns, the Assises, and General Quarter Sessions; and if a Jury of one Hundred would make Presentment of an offence done within any part of the Shire (out of their own Hundred) this were good in Law.

Justices:

XXII. *Lambert* 395. And the Justices may upon cause remove a Juror after he is Sworn, 20 *H. 6.* 5. Again, if after the Swearing of the Jury, their service be put off till the next day upon any urgent occasion, then may they be Sworn of new, as if they had not before appeared, 7 *H. 4.* 38.

Verdit.

XXII. *Lambert* 395. Each Jury of Enquiry ought to contain XII. in number at the least, and if there be XVIII. or more it shall not be amiss: Yea it is a common order with us to have them of an odd number, as XIX or XXI. to the end as it seemeth, that if they should dissent in opinion somewhat equally; yet there should be always one to weigh down the side, and cast the Ballance: but if XII of them do agree, the gainsaying of the residue cannot hinder the Presentment: yea the Law was in the time of King *Etheldred*, that in a Jury of XII. the agreement of VIII. should prevail and make a good Verdit; although for a long time together it hath been, and is yet otherwise used.

Imprisonment

XXIV. *Lambert* 395. 396. The Justices ought not to Commit these Jurors of Enquiry to any keeper, nor to keep them without meat or drink, nor to carry them out of the Town, and yet they may adjourn them to another place to give their Verdit.

Evidence.

XXV. *Lambert* 396, 397. Nevertheless it is to be wished that these and such other Enquirors would more carefully imploy themselves in that service, which is the chief and almost the only ground whereupon the Justices are to work, &c. and this shall they the better do if they will be directed by these few Counsels. 1. That they come prepared to further the Good of their Country, and not to save their Issues, or to serve for fashion sake. 2. That they give Credit to Credible persons sworn to inform them. 3. That they measure their doings by the right line of Law, and not by the crooked cord of pretended Equity and counterfeited conscience. 4. That they hold not a Court of Common Plea by admitting proof of Witnesses against the King, as knowing that they are not to try an Issue, but to offer an Information, the truth or falshood whereof shall be tryed by another Jury. 5. That they discover not their own doings, &c.

Maintenance.

XXVI. *West. Symb.* 2. part 112 §. 130. An Indictment of Embracery and taking money, &c. *contra* to 38 *Ed.* 3. 12. *Lamb. Precedents* 14. b. 15. Pl. 39.

Effect ff.

Juratores pro Domino Rege super sacramentum suum presentant quod A.B.C.D.&c. (*naming all the Jurors, &c.*) Jurat in quadam Assiza Novæ diffinitionis quæ nuper summonita fuit Coram dilectis & fidelibus dicti Domini Regis, &c. L. M. N. O. &c. nuper Justiciariis dicti Domini Regis nunc ad Assizam illam capiend' per breve ipsius Domini Regis inter W. S. & J. H. de tenement' in N. in Com' E. predict' & postmodum (viz. die Lunæ &c. Anno &c. Coram prefat' L. M. N. O. &c. apud M. in Com' E. predict' per breve ipsius Domini Regis *si non omnes* capt' posit') pro veredicto suo in hac parte dicendo de prefat' J. H. diversas pecuniarum summas viz. A. B. de predict' J. H. XL. s. & alia dona scil' panem, serevicium & vinum ad valenc' 20 s. illegitime ceperunt &c. & predict' J. K. (Imbraciator ejusdem Assizæ ad eandemducend' & procuran'd) de prenominato W. S. summam de-

cem marcarum 20 die Aug. An. Regni, &c. apud M. predict' in Com' E. illegitime ceperunt in dicti Domini Regis nunc contempt' & contra formam Cujusmodi Statut' in Parliamt' Domini Ed. olim Regis Angliæ tertii Anno Regni sui 38. tento in hujusmodi Casu provisi ac Editi.

XXVII. *West. Symb.* 2. part 112. §. 131. Another Indictment reciting Fees:  
38 Ed. 3. 12. & 34 Ed. 3. 8. *Crompt.* 261. pl. 95.

Juratores pro Domino Rege super sacrament' suum dicunt quod ubi in *Effix ff.*  
Parliamt' Domini Ed. nuper Regis Ang. tertio progenitoris Domini Regis nunc Ann Regni sui 38. tent' inter cætera concordat' existit quod si aliqui Jurat' in Affiza Jurat' seu aliquibus inquisitionibus capiend' inter Domin' Regem & partem vel inter partem & partem quicquid capiant per ipsos vel per alios de parte conquerent' vel defendent' pro veredict' suo dicend' & super hoc per processum in quodam Articulo de Jurat' Anno Regni ejusdem Domini Regis 34. factum convincantur sive sit ad sectam partis aut alterius cujuscunque personæ qui pro Domino Rege aut pro seipso prosequi voluerit solvat quilibet dictor' Jurat' decies tantum quantum ipse recepit & habeat ille qui sectam produxit unam medietatem & Dominus Rex alteram medietatem & quod omnes Imbraciat' ducent' & procurant' tales inquisitiones in patria pro lucro vel proficuo puniantur eisdem modo & forma sicut Jurat' & si Jurat' vel Imbraciat' Ita convictus non habeat unde in forma predict' satisfacere possit habeat Imprisonament' unius Anni prout in ordinatione & concordia predict' continetur.

Quidam tamen J. H. J. B. & J. C. Jurat' &c. in quadam Affiza Novæ diffesinæ qui nuper summonit' fuit Coram dilectis & fidelibus Domini Regis A. B. C. D. E. F. &c. nuper Justiciariis Domini Regis nunc ad affizam illam capiend' assignati per breve ipsius Domini Regis nunc inter W. S. de L. & M. de tenement' in R. & S. in Com' E predict' & postmodum (*viz.* decimo die &c. Anno &c. Coram prefat' A. B. C. D. E. F. &c. apud W. in Com' predict' per breve Domini Regis nunc si non omnes capt' possit pro veredicto suo in has parte dicendo de prefat' J. H. diversas pecuniarium summas *viz.* predict' J. H. xl d. predict' J. B. xls. & predict' J. C. V. marcas 20. die Octob. Anno &c. apud &c. ceperunt in dicti Domini Regis contempt' & contra form' ordinationis & concordie predict' &c.

XXVIII. *Nota* 38 Ed. 3. 12. §. 1. N. 5. No Justice nor other Minister *Justices.*  
shall enquire of office upon any of the points of this Article, but only at the suit of the party or of other, &c.

*Euterludes* see Games.

*Entry* see Force.

### Escape.

*Fresh Suit, Imprisonment, Bayl.*

I. 18 Ed. 2. pag. 84. §. 32. the view of Fr. Pledge to enquire of persons *Leet.*  
Imprisoned, and let go without Bayl.

II. *Lambert* 134, 135. If the Constables do arrest one that hath hurt another, and do voluntarily suffer him to escape, and then he that was hurt dyeth thereof within the year and day, the Constable shall make a great *Constable.*  
Fine, and that to the value of his Goods in the opinion of some 11 H. 4. 12. *Lambert* 228. and *Stamf.* 35. but yet the offence shall not have such relation to the time of the stroke, as to make the escape to become felony thereby, *Com.* 263. *Crompt.* 39. §. 5. *Poult. de pace* 148. §. 3. *Dalt.* 274. c. 106



- Justices. III. 1 *Rich.* 3. Cap. 3. §. 1. N. 3. That Justices of Peace have Authority to Enquire in their Sessions of all manner of Escapes of every person Arrested and Imprisoned for felony, *Lambert* 4. cap. 4. pag. 434. *Crompton* 40. §. 13.
- Bayl. IV. *Crompt.* 39. §. 7. A Justice of Peace sends for a Felon who is in the Goal, and delivers him without Bond for his appearance, and afterwards he is Indicted, it seemeth this is a voluntary Escape, for he is the cause that he cometh not to his Tryal; and so where a man confesseth a felony before a Justice of Peace, and he lets him go without Bail, but a thing that is done *pro defectu scientia* is not Felony 2 *R.* 3. 10. *Poult. de Pace* 149. b. §. 9. *Boult.* 97. Cap. 22.
- Arrest. V. *Crompt.* 40. §. 10. If a man be arrested for suspicion of Felony, and delivered to a servant to carry him to the Goal, and he suffers him voluntarily to Escape, the Master shall not be Impeacht for this, but he that suffered the Escape, *per Curiam* 10 *Ed.* 4. 17. *Poult. de Pace* 150. b. §. 19. *Coron.* 328. 337.
- Indictment. VI. *Crompt.* 40. §. 15. A man stole certain sheep and sold them, and another took him for suspicion, and delivered him to the Bailif and 4 others to keep, who let him go because they had no Indictment, nor other thing against him, and afterwards the Thief was Indicted, and thereupon the Constable and the 4. were charged with the Escape, because he was arrested for suspicion of the Felony, 43 *Ed.* 3. 36. & N. Aff. 12. *Boult.* 96. *Stanf.* 35. b.
- Amerciament. VI. 3 *H.* 7. 1. §. 1. N. 6. The Law of the Land is, that if any man be slain in the day, and the felon not taken, the Township where the Death or Murder is done shall be Amerced, *Dalt.* 291. *Crompt.* 40, b. 41. a. *Poult. de Pace* 150. a. b. §. 14. 22.
- Imprisonment. VIII. *Dalt.* 272. cap. 106. If a Goaler, a Constable, or any other which hath a Prisoner under Arrest for Felony or suspicion thereof, voluntarily letteth or suffereth him to go at liberty; tho this be no breaking of Prison, yet this is Felony in the Goaler, Constable, or him that letteth such Prisoner escape, but it is no Felony in the Prisoner, but if such a Prisoner shall escape by the negligence of his Keeper, then the Felony resteth in the Prisoner only, and not in the Goaler, &c. *Escape Br.* 32. *Stanf.* 31.
- Traverse. IX. *Poult. de Pace* 151. §. 28. And touching those which be Prisoners of Record, the Keeper of the Prison cannot traverse the Escape, but confess and avoid it, as in alledging that the Prison was Burnt or Broken by the Kings Enemies, or by saying that he which is supposed to be escaped is not the same Prisoner which was Committed to him.
- Process. X. *Poult. de Pace* 151. §. 29. A Prisoner by matter in fact is, where one is Prisoner by Arrest only, whether it be by the Sheriff, the Constable, or any other, and he doth escape, there the Escape shall be presented before he answer unto it, and this Presentment ought to be before the Justices, &c. that they have Authority to enquire thereof, as appeareth 3 *Ed.* 1. W. 1. cap. 3. *Dalt.* 275. cap. 106. *Stanf.* 35. 11. *Co.* 64, 65.
- Imprisonment. XI. *Lambert* 2. cap. 7. pag. 227. Now as to this purpose it is called a breach of Prison, whether it be out of the Goal, Stocks, or Possession of any that hath the keeping of the party arrested for Felony, tho he be not Indicted thereof before, *Coron.* 158. *Dyer* 99. a. pl. & 312. pl. *Stanf.* 35. *Boult.* 93, cap. 22.
- Marriage. XII. *Dalt.* 272. cap. 106. If the Goaler or Keeper shall Marry a Felon which is in his Goal, this is an Escape, but *Quare* if it be Felony in the Goaler or no.
- Officer. XIII. *Dalt.* 273. cap. 106. But in these Cases (*viz.* on 14 *Ed.* 3. c. 10. §. 1. N. 3.) I have observed the favourable exposition and dealing of the learned and Reverend Judges. I. In 9. *Co.* 98. that the Goalers who have the actual possession, shall be answerable for Escapes, if they have wherewith.

Also II. *Popham* Cheif Justice did cause one *Stoner* a Goaler at *Cambridge*, to be Indicted, Arraigned, and Hanged for the Escape of a Felon suffered by him.

XIV. *Dalt.* 273. cap. 106. in *Dr. & St.* 135, 137. cap. 42. This difference is taken, that if the Escape were by default (*scil.* a negligent Escape) of the Goaler, that the King may charge the Goaler if he will, or the Sheriff may be charged by reason of the Statute 14 *Ed.* 3. 10. §. 1. N. 3. But if it be a wilfull Escape in the Goaler, which is Felony in him, the Sheriff shall not be found to answer to the Felony, but there the Sheriff may be fined to the value of his Goods.

XV. *Dalt.* 275. cap. 106. If a Watchman shall take any man for suspicion of Felony, he may Inquire of his Good Name and Fame, and if he finds him to be of Good Name and Fame, he may let him go. See the *Old Justice of Peace*, Imprinted Anno 1559. fol. 13. But it were more safe for the Watchman to deliver such suspected person to the Constable, or to the Sheriff, according to the Statute of *Winchester* 13 *Ed.* 1. & 2. cap. 4. §. 1. N. 6.

XVI. *West. Presidents.* 2. part 104. tit. Offences §. 105. An Indictment against a Goaler, for suffering of one Committed to him upon suspicion of Felony for stealing of an Horse to Escape.

Juratores pro Domino Rege (super sacramentum suum) presentant qd' ubi quidam *A. R.* nuper de *C.* in dicto Com' *Kant.* Shoomaker sexto di Maii Anno Regni &c. apud *C.* predict' in Comitatu *K.* predict' pro suspitione cujusdam felonie (viz. unius Equi Coloris Albi pretii x l. solid' felonice per eundem *A. B.* ut dicebatur capti & abducti Arrestatus est & Captus & Coram *T. F.* uno Justiciar' dicti Domini Regis ad Pacem in dicto Comitatu conservand' assignat' ductus & superinde postea viz. dictis die Anno & loco cuidam *B. D.* in Comitatu *K.* predict' Yeoman custodi Goale dicti Domini Regis apud *M.* in dicto Comitatu *K.* existent' (sub custodia *I. F.* Armigeri ad tunc Vicecomes Comitatus *K.* predict' & Custodis Goale predict') per quoddam preceptum de Mittimus dicti *T. F.* Justiciarii Idem *A. B.* traditus est & Commissus ad salvo & secure Custodiendum in Goala predicta Donec idem *A. B.* inde foret legitimo modo deliberatus prefatus tamen *I. F.* nunc Vicecomes postea, viz. 7 die dicti mensis Maii Anno supradict' apud *M.* predict' in Com' *K.* predict' prefatum *A. B.* (ad tunc & ibidem in dictis Goala & Custodia existent') a predict' Custodia & Goala ad tunc & ibidem evadere & ad largum ire voluntar' & felonice permisit contra pacem dicti Domini Regis Coronam & dignitatem suam, &c.

*Lamb. Precedents* 12. b. §. 33. *Boult.* 3. cap. 55. §. 52.

*West. Precedents* 2. part 135. §. 106. Another Indictment against a Goaler for suffering of a Woman Committed to him upon suspicion of Felony and Murder to Escape.

Inquiratur pro Domina Regina quod cum quidam *M. N.* nuper de *B.* in predict' Comitatu *E.* Spinster 10 die April. Anno &c. pro suspitione felonie & murdri per ipsam *M.* apud *B.* predict' in Com' *E.* predict' super quendam *W. L.* fieri & perpetrari suppositi capt' & arrestat fuit' apud *B.* predict' in Com' *E.* predict' & eisdem die & Anno predict' *M.* cuidam *Richardo B.* de *N.* in Com' *E.* predict' Yeoman Custodi Goale dictæ Domina Regine Com' predict' sub *Georgio P.* Armigero ad tunc Vicecom' Comitatus predict' & Custod' Goale predict' per quoddam breve de Mittimus *W. M.* Militis & *J. M.* Armig' duo Justic' dictæ Domina Regine ad pacem in eodem Comitatu conservand' assignat' salvo & secure Custodiend' tradita fuit Quorsq; eadem *M.* a Custodia illa secend' legem & conuetudinem Regni Angl' pro suspitione

tione murtheri predict' acquietat' sive deliberat' foret si predict' *R. B.* de *N.* predict' in predict' Comitatu *E.* Yeoman postea scil. 26 de Novemb. Anno supradict' Apud *M.* predict' in Com' *E.* predict' Predict' *M.* ad tunc & ibidem in Custodia ipsius *R.* in Goala dictæ Domine Regine existent' a Goala predicta ad tunc & ibidem voluntarie & felonice evadere & ad largum Ire permisit contra pacem dictæ Domine Regine nunc &c. *Crompt.* 252. §. 65 *Boul.* 3. pag. 56. §. 53.

XVIII. *West. Presidents* 2. part 105. §. 107. An Indictment against divers, for suffering one which had confessed a Felony before a Justice of Peace, and delivered to them by the same Justice of Peace, to be by them conveyed to the Goal, negligently to Escape.

*Effex ff.*

Juratores pro Domina Regina (super sacramentum suum) presentant quod cum *J. B.* nuper de *C.* in predict' Com' *E.* Miller 8. die Decemb. Anno &c. clausum cujusdam *J. G.* apud *C.* predict' in Com' *E.* predict' fregit & intravit ac unam Juvenem Coloris Brown pretii 20 s. de bonis & Catallis predicti *J. G.* ad tunc & ibidem Invent' felonice cepit & effugavit contra pacem dictæ Domine Regine & pro feloniam predict' per prefat' *J. B.* sic fact' & perpetrat' Arrestat' fuit & Coram *G. R.* Arm' uno Justiciar' dictæ Domine Regine ad pacem in Com' *E.* predict' conservand' Assignat' necnon & per predict' *J. G.* ductus fuit & Coram dicto *G. R.* dictus *J. B.* feloniam predict' confessus fuit & ad tunc & ibidem *G. R.* predict' per breve de mittimus prefatum *J. B.* pro feloniam predict' ad Goalam dictæ Domine Regine de *J.* in Comitatu predict' quibusdam *J. C.* de *C.* predict' Yeoman *R. B.* de eadem Clothier & *R. M.* de eadem Weaver deliberavit salvo & secure ducend' ad & usq; Goalam predict' de *J.* predict' Ibidem moratur' quousq; idem *I. B.* abinde secundum legem & consuetudinem Regni Angliæ deliberatus foret ipsi predict' *I. C. R. B.* & *R.* in dicto 8. die Decemb. Anno predict' prefat' *I. B.* apud *C.* predict' in Com' *E.* predict' in eorum custodiam virtute deliberationis predict' sic existent' ad tunc & ibidem negligenter a custodia sua ad largum Ire & evadere permiserunt contra pacem dictæ Domine Regine Coronam & Dignitatem suas. *Crompt.* 225. §. 74.

XIX. *Crompt.* 252. §. 64. Fora voluntary Escape.

*Staff. ff.*

Inquiratur pro Domino Rege quod cum quidam *R. R.* nuper de *P.* in Com' predict' Husbandman & *I. K.* nuper de *P.* predict' in Com' predict' Sadler 20 April. Anno Regni Jac. &c. 2. Commissi fuerunt per *E. T.* Armig' unum Justiciar' dicti Domini Regis ad pacem in Com' predict' conservand' Assignat' apud *H.* in Com' predict' cuidam *A. P.* de *P.* predict' in Com' predict' Husbandman tunc deliber' de *P.* predict' ut per eundem *A.* ad tunc usque ad Goalam dicti Domini Regis de *I.* in Com' predict' duceretur pro suspitione cujusdam felonie per predict' *R. R.* & *I. R.* perpetrat' in Goala predicta salvo & secure custodiend' donec ab inde secundum leges hujus Regni Angliæ deliberat' ipse predict' *A. P.* minime curans nec estimans custodiam predict' *R. R.* & *I. R.* postea scil. eodem 20. April. Anno supradict' eisdem *R. R.* & *I. R.* apud *H.* predict' in Com' predict' ad largum ire & evadere voluntarie & felonice permisit contra pacem dicti Domini Regis &c.

XX. *Crompt.* 252. b. §. 66. Alio modo.

*Staff. ff.*

Inquiratur pro Domino Rege quod cum *T. W.* nuper de *C.* in Com' predict' Yeoman decimo die Octob. Anno &c. apud *C.* predict' in Com' predict' pro suspitione felonie Captus & eisdem die & Anno predict' cuidam *R. G.* in Com' predict' Yeoman Custodi Goale dicti Domini Regis Comitatus predict' sub custodia Johannis F. Armig' ad tunc Vicecomes Comitatus predict' & Custodi Goale predict' per quoddam breve de mittimus *G. T.* Militi unius Justiciar' dicti Domini Regis ad pacem in eodem Comitatus conservand'



vand' assignat' salvo & secure custodiend' tradit' fuit quousq; idem *T. W.* a custodia illa secundum legem & consuetudinem regni Angl. pro suspitione felonie predict' acquietat' sive deliberat' foret ipse predict' *I. F.* tunc vicecomes Comitatus predict' postea scilicet 13 die *Octob.* Anno supradict' apud *L.* predict' in Com. predict' predictum *T. W.* ad tunc & ibidem in custodia ipsius vicecom. in Goala dicti Domini Regis existent' ex Goala predicta ad tunc & ibidem voluntarie evadere & ad largum ire permisit contra pacem dicti Domini Regis Coronam & dignitatem suas, &c.

XXI. *Crompt.* 253. §. 67. alio modo.

Juratores pro Domino Rege (super sacramentum suum) presentant quod cum *R. S.* nuper de *M.* in Com. predict' Husbandman Xij die Maii Anno Regni &c. capt' & arrestat' fuit apud *M.* predict' in Com. predict' per *R. C.* pro suspitione felonie per ipsum *R. S.* fact' & perpetrat' & ad tunc & ibidem per eundem *R. C.* deliberat' fuit *T. W.* Ballivo Hundredi de *M.* predict' salvo & secure Custodiend' & ad ducend' eundem *R. S.* Coram uno Justiciar' dicti Domini Regis ad pacem in Com' predict' conservand' necnon ad diversa felonias & transgr' & alia malefacta in eodem Comitatu perpetrat. audiend' & terminand' assignat' predictus tamen *T. W.* Custodiam predicti *R. S.* minime curans nec estimans apud *M.* predict' in Com' predict' die & Anno supradict' eundem *R. S.* ad largum ire & voluntarie evadere felonice permisit contra pacem dicti Domini Regis &c. *Staff. ff.*

XXII. *Bolt.* 3. pag. 56. §. 54. An Indictment where a Felon suspected for stealing two Oxen, is Committed by a Justice of Peace unto the Goal, and is delivered to two, to be conveyed to the Goal, which suffer the Felon wilfully to escape away, *West. Symb.* 2. part 139. §. 248.

Juratores pro Domino Reg' (super sacramentum suum) presentant &c. quod cum quidam *W. H.* Armiger' unus Justiciar' pacis dicti Domini Regis in Com' predict' 20. die &c. Anno &c. Apud *S.* in Com. predict' quendam *I.* nuper de &c. ad tunc & ibidem Arrestavit & Attachavit pro suspitione felonie per ipsum *I.* antea fact' & perpetr' viz. pro duobus bobus coloris &c. pretii &c. de bonis & Catallis cujusdam *R. I.* per predict' *I.* felonice capt' & abduct' & postea eundem *I.* die Anno & loco supradict' ut predict' cum arrestat predict' *W. H.* ad tunc & ibidem commisit & liberavit salvo custodiend' quibusdam *I. B.* & *R. D.* nuper de &c. in Com' &c. Qui quidem *I. B.* et *R. D.* specialiter requisiti fuerunt ex parte dicti Domini Regis per prefat' *W. H.* ad salvo et secure custodiend' & conducend' ipsum *R. B.* usque Goalam ipsius Domini Regis Comitatus predict' ibidem moratur' quousque per debitam legis formam exoneret' & deliberet' predict' tamen *I.* & *R.* ipsum *I.* a custodia sua ad tunc & ibidem felonice & voluntarie ad largum quo voluit abire & evadere permiserunt contra pacem &c. *Midd. ff.*

XXIII. *Bolt.* 3. pag. 57. §. 55. An Indictment of a Keeper of a Goal, for letting one committed to him upon suspicion of Felony Escape out of Prison.

Juratores pro Domino Rege &c. presentant quod cum quidam *I. B.* de &c. die &c. Anno &c. pro suspitione cujusdam felonie per ipsum infra villam predict' antetunc fieri & perpetrari suppositi Capt' & Arrestat' fuit apud villam predict' & eisdem die & Anno predict' *I. B.* cuidam *T. R.* de villa & Com' predict' Yeoman custod' Goali dicti Domini Regis in dicta villa de *L.* predict' pro suspitione felonie predict' salvo & secure custodiend' tradit' fuit quousque idem *I. B.* a custodia illa secund' legem & consuetudinem Regni &c. deliberat' foret idem tamen *T. R.* die &c. Anno supradict' apud

apud Villam predict' in Com' predict' eundem *I.B.* ad largum & extra Goalam predict' voluntarie & felonice exire & evadere permisit contra pacem dicti Domini Regis, &c.

XXIV. *Crompt.* 254. §. 73. Against those that negligently permitted a Felon to Escape.

*Staff. ff.*

Inquiratur pro Domino Rege quod cum *I. T.* nuper de *C.* in Com' predict' Yeoman & *T. F.* nuper de *L.* in Civitat' predict' Yeoman decimo die Decemb. Ann. &c. pro suspitione felonie per ipsos *J. T.* & *T. F.* preantea fieri & perpetrari suppositi apud Civit' Lond' capt' & arrestat' fuissent lidemq; *J. T.* & *T. F.* eisdem die & Anno ad Civitat' predict' quibusdam *R. F.* & *J. S.* Vicecom' Comitatus predict' ac custodibus Prisonæ dicti Domini Regis infra Civitat' predict' ob causam predict' tradit' fuerunt salvo & secure custodiend' Quousque lidem *J. T.* & *T. F.* a custodia illa secundum legem & consuetudinem Regni dicti Domini Regis Angliæ a prisona illa deliberat' forent, ipsi iidem *R. F.* & *J. S.* die & Anno supradict' apud Comitatus predict' predictos *J. T.* & *T. F.* ad largum & extra Goalam & custodiam predict' exire & evadere in defectu bonæ Custodiæ negligenter permisissent contra pacem &c.

XXV. *Crompt.* 255. §. 75. Aliomodo.

*Staff. ff.*

Inquiratur pro Domino Rege quod cum *J. B.* nuper de *K.* in Com' predict' Laborer 6 die Decemb. Anno &c. apud *K.* predict' in Com' predict' per *J. M.* Armig' unum Justiciar' dicti Domini Regis ad Pacem in Com' predict' conservand' necnon ad diversas felonias transgr' & alia malefact' in eodem Comitatus perpetrat' audiend' & terminand' assignat' pro suspitione felonie capt' & per ipsum *J. M.* apud *K.* predict' in Com' predict' pro suspitione ejusdem felonie Imprisonat' fuisset & in cappis per ipsum *J. M.* ad hunc & ibidem posit' salvo custodiend' quousque secundum legem & consuetudinem Regni &c. inde debito modo acquietat' & deliberat' foret ipse *J. L.* de *F.* in Com. predict' Yeoman Constabular' de *K.* predict' die Anno & loco supradictis predict' *J. B.* apud *K.* predict' ad tunc & ibidem in custodia ipsius *J. L.* existent' tam negligenter custodivit quod pro defectu bonæ & sufficientis custodiæ idem *J. B.* a Prisona predict' evasit & ad largum ubicunque voluit ibat contra pacem &c.

XXVI. *Crompt.* 255. b. §. 76. Alio modo.

*Staff. ff.*

Juratores pro Domino Rege (super sacramentum suum) presentant quod cum *A. W.* nuper de *T.* in Com. predict' Spinster 11 die &c. Anno &c. per *W. H.* de eisdem villa & Com. Husbandman fuit Arrestat' & capt' apud *B.* in Com. predict' pro quadam felonia per ipsam facta & perpetrata & ad tunc & ibidem per eundem *W.* duc' coram *J. H.* Armig' uno Justiciar' dicti Domini Regis ad pacem in Com. predict' conservand' necnon ad diversas felonias transgr. & alia malefact' in eodem Com. perpetrat' audiend' & terminand' Assignat' & quod eadem Agneta ad tunc & ibidem per præfat' *J. H.* Commissa fuit cuidam *H. W.* de *B.* predict' in Com' predict' Yeoman tunc decenar' de *B.* predict' salvo & secure Goalæ dicti Domini Regis de Ilchester in Com' predict' ducend' & quod predict' *H.* minime curans & parvi pendens custodiam dictæ Agn. eandem Agn. tam negligenter custodivit quod eadem *A.* a custodia dicti *H.* apud *B.* predict' ad largum quo voluit recessit & escapavit contra pacem &c.

XXVII. *West. Symb.* 2. part 140. § 249. An Indictment of Escape or Commitment for contempt &c.

Inquiratur

Inquiratur pro Domino Rege quod cum quidem *D. E. de &c. 3. die Martii Anno &c. apud T. in Com. predict' Commissus fuit per R. J. Gen' unum Ballivor' de P. predict' & H. L. Gen' deputat' J. B. Gen. alium Ballivorum ejusdem villæ in Goala five prisona villæ predict' pro quibusdam resistenc' dissobedient' & malefact' per ipsum D. E. versus ipsum R. Ballivum in executione officii sui virtute literarum Domini Regis eidem R. direct' ibidem moratur' sub salva custodia M. unius servientium ad Clavem ad Villam predict' quousq; predict' D. inde deliberetur & dimissus esset per debitam legis formam prefat' O. circa horam xij in nocte ejusdem diei Anno supradict' Regni Regis predict' Prison' in qua detentus fuit ut predict' est adtunc & ibidem malitiose & minus juste fregit & ab hujusmodi Prisona sine aliqua licentia evasit & escapuit contra form' Statut' &c. edit' & provis' & contra pacem dicti Domini Regis.*

XXVIII. *West. symb. 2. part. 123. § 176. An Endictment for a Rescue, &c.*

Juratores pro Domino Rege supra sacramentum suum presentant quod cum *H. C. R. G. & J. B. Arm' ac socii sui Justiciarii dicti Domini Regis ad pacem in Com' E. predict' conservand' necnon ad diversa feloniam transgressiones & alia malefacta in eodem Com' perpetrat' audiend' & terminand assignat' in Generali Sessione pacis tent' apud T. in Com' E. predict' die Martis proxime post festum sanctæ Trinitatis Anno &c. mandaverunt Vicecom' ejusdem Comitatus E. necnon & eorum cuilibet quod non omitterent propter aliquam libertatem Comitatus E. predict' quin eam ingrederent' seu unus eorum ingreder' & attachiarent seu unus eorum attachiaret corpora O. W. nuper de W. in Comitatu T. Laborer & A. J. de W. predict' in Com' E. predict' servient' & eos Coram Justiciariis predict' vel uno sociorum Justic' pacis in Com' E. predict' venire Compellerent seu eorum unus venire compelleret ad inveniend' sufficient' manucaptionem quod ipsi personaliter comparerent coram dictis Justiciariis & sociis suis predictis ad proximam sessionem pacis in Com' E. predict' tenend' & quod interim se bene gerent erga dictum Dominum Regem & cunctum populum suum secundum formam Statut' in hujusmodi casu editi & provis' Cumque prefat' G. L. & J. B. virtute mandat' predict' Arrestassent predict' A. J. & eum coram Justiciariis predict' vel eorum uni ducere voluissent prout mandatum predict' Justiciar' predict' in se exigebat quidam tamen A. B. de W. predict' in Com' E. predict' Gen' & R. W. de W. predict' in Com' E. predict' Yeoman leges dicti Domini Regis minime verent' ex malitia sua precogitat' in Contempt' dicti Domini Regis legum suarum ac mandati Justic' predict' decimo die Maii Anno &c. Apud W. predict' in Com' E. predict' R. riotose & illicite assemblati & congregati in prefat' G. L. & J. R. in pace Dei & dicti Domini Regis ad tunc & ibidem existent' insult' & affraiam fecerunt ac prefat' R. W. diversas sagittas Angl' vocat' *Arrows* versus prefat' G. L. & J. B. ad tunc & ibidem sagittabant ea intentione ut prefat' G. L. & J. R. vulneraret ac predict' Agnetam in Custodia eorund' G. & J. rescusserunt &c. Ac ipsos G. L. & J. B. vulneraverunt &c. ac preterea prefat' A. B. & R. W. predict' Agnetam J. adtunc & ibidem a custodia dictorum G. L. & J. R. vi & Armis rescusserunt atque eandem A. J. adtunc & ibidem ad largum ire & evadere fecerunt contra Pacem, &c.*



*Escheator* see *Officer*.

*Estople* see *Pleading*.

*Estreats* see *Records, Justices, Amerciament, &c.*

*Evesdroppers* see *Coron*.

*Evidence* see *Proof*.

*Exaction and Extortion* see *Fees*.

*Example* see *Coron*.

*Examination* see *Proofs*.

*Excommungement* see *Ordinary*.

*Excise* see *Taxes, Ale*.

### Execution.

#### *Process, Judgment, Justices, Restitution.*

Contempt.

I. *Lambert* 4. cap. 16. pag. 565, 566. Where the Conviction is for trespasses against the Peace, Riots, and such other Contempts and Offences against the Crown or Statutes; for the which no certain fine is appointed, there the Judgment is, that the party shall be taken to satisfy the King for his Fine, and thereupon the *capias pro Fine*, and if the party cannot be found, other Judicial Process goeth out till he be outlawed, unless it be in a very few Cases, where by the words of the Statutes themselves they may proceed to assess the Fine in the absence of the parties, without calling them to it by any process, as in 5 & 6. Ed. 6. 25. §. 5. N. 3. of Alehouses, and in 5. Eliz. 13. §. N. of High-ways.

But if the party be brought in, then he is a Prisoner, and then are the Justices of Peace by their discretion to assess the Fine, and to Estreat it, and to deliver him.

Forfeiture.

II. *Lambert* 566. *ibid*. For in no Case (as I take it) can they of themselves levy any Fine or Forfeiture due to the King; insomuch as not they but the Sheriff is accountant for all such matters.

Amerciament.

III. *Lambert* 572. 573. And hereby (as I think) the Estreats of the Justices of the Peace be now an immediate Warrant for the Sheriff to levy not only the Fines and Amerciaments, but also all other Issues, Penalties, Losses, Forfeitures and Summs whatsoever arising before them for the words of the Statute 14. Rich. 2. 11. §. 1. N. 2. are general, the money thereof arising, and therefore whatsoever summs are to be Estreated into the Exchequer, the same are also to be levied by the Sheriff, *Crompton* 177. §. 30. *Boul.* 2. cap. 22. pag. 70.

Estreats.

IV. *Lambert* 574. Howbeit I do not (on 7 H. 4. 3. §. N.) think that in our Case this Duty of Estreating is so peculiar to the Clerks of the Peace, but that the Justices of the Peace themselves ought also to have a Common and careful eye unto it, &c.

Information.

V. *Lambert* 4. cap. 17. pag. 575. Albeit that the Justices of the Peace have this power to make Warrant for levying the Amerciaments, Fines, and other Forfeitures that grow unto the King by their service: yet it is commonly thought that they may not (but in some cases only, and that by special speech of the Statutes) make Execution either for him that will sue, or for any other of such part of the forfeiture as the Law doth afford them &c. But where they have power either by their Commission, or by any Statute, to hear and determine any cause at the Suit of a private person

person, I do not see how the Cause can well be said to be fully determined till the Complainant hath had the effect of his suit, which cannot be without Execution.

VII. *Lambert* 576. Doubtless by special provision in 5 & 6 *Ed. 6.* 14. § 10. N. 4. against Forefallers, the Justices of the Peace may make Execution of the one Moiety of the Forfeiture for him that sueth by *feri fac'* or *capias* as the Kings Justices at *Westminster* use to do the like on 5 *Eliz.* 12. § 8. N. 2. against Badgers, Drovers, &c. Acc. S. Stat.

VII. *Lambert* 576. For the moiety growing to the Informer upon the Statute of Liverys 8 *Ed. 4.* 2. § 1. N. 13. they shall make such Execution asought to be had in Recoveries of Debt or Trespas at his own pleasure. Maintenance.

VIII. *Lambert* 576. They may also award Execution for the party that sueth on the Statute of Flax and Hemp, 24 *H. 8.* 4. § 4. N. 5. by such process as shall seem fit by their discretions. Husbandry.

IX. *Lambert* 577. And the Estreats made by the Clerk of the Peace of forfeits for defaults of amending High-ways are a sufficient Warrant to the Constables to levy the same by distress, to the use of the Church-wardens of the Parish where the default was, toward the amendment of the Highways, 2 & 3 *Ph. & Mar. 8.* § N. 5 *Eliz.* 13. §. N. Ways.

X. *Lambert* 577. And likewise the Estreats of the Justices of Peace of any Fines assessed by them upon Presentments in the Sheriffs Tourn, being inrolled, indented, and delivered to the Sheriff, are a good Warrant unto him to levy the same, to the use of him that was Sheriff, at the time of such presentments taken, 1 *Ed. 4.* 2. § 1. N. 8. Sheriffs.

XI. *Lambert* 577. So may Justices of Peace award Process of Execution for levying the forfeitures upon offenders against 27 *Eliz.* 7. § 3. N. 1. of Issues lost by Jurors. Enquest.

XII. *Lambert* 577. So may they in like manner award Execution by *Fieri fac'* & *Capias* of two Thirds of the forfeitures, the one for the complainant, and the other for the Poor by the Statute of Husbandry and Tillage, 39 *Eliz.* 2. § 9. N. 2. as the Justices at *Westminster* use to do; so upon 5 *Eliz.* 9. § N. of Perjury 5 & 6 *Ed. 6.* 4. § N. of striking in the Church, &c. Husbandry.

XIII. *Crum.* 140. § 23. *A.* was bound to the Peace, before Justices of the Peace in 1000 *l.* and each of his Mainperners in 1000 *marks*, and afterwards *A.* procured one to kill a Stranger, and upon this matter found by Verdict against *A.* a *scire facias* issued upon the Recognizance, and the Recognizor and one of the Mainperners were taken for the Sum which he acknowledged, for the King may take his Election to have Execution of the body or of the Lands and Chattels of the Mainpernor for the said Sum, per *Curiam*, 7 *H. 4.* 105. Bayl.

*Extolling Foreign Power, see Pope.*  
*Exportation, see Ouster le mere, and Merch.*

*Common Fame, see Coron Intendment.*  
*False Imprisonment, see Imprisonment.*  
*False News, see Slander.*  
*False Tokens, see Collusion Forgery.*  
*Farms, see Husbandry.*  
*Fayrs, see Market Overt,*  
*Fasting, see Days and Religion.*

## Fees.

*Extortion, Exaction.*

- Enquest. I. 9 H. 3. 26 *Magn' Chart'* nothing shall be taken for an Enquest of Life or Member, but grant freely and not deny.
- Imprisonment II. 4 Ed. 3. 10. Nothing shall be taken by Sheriffs or Goalers on receipt of Felons, *Lamb.* 429.
- Justices. III. 12 Rich. 2. 10. Of Justices of Peace is 4 s. per diem, Clerk two Shillings during Sessions. *Crompt.* 177. §. 23. *Boult.* 70. 71. *Lamb.* 572. infra.
- Ale. IV. 5 & 6 Ed. 6. 25. Alehouse-keepers to pay only 12 d. for recognizances. *Lambert* 431. *Crompt.* 176. §. 10.
- Justices. V. 5 Eliz. 4. §. 38. N. 1. Fees of Justices of Peace sitting in Execution of this Act of Labourers, 5 s. per diem. *Crompt.* 176. b. §. 21.
- Licence. VI. 27 Eliz. 4. §. 10. N. To Clerk of the Peace, &c. for license of Kidder, Drover, Badger, &c. and for Recognizance 8 d. Register 4 d.
- Licence. VII. 1 Jac. 27. §. 7. N. 1. Clerk of the Peace to take only 12 d. for licence to shoot in Hand-gun, &c.
- Inrolment. VIII. *Lambert* 4. cap. 4. pag. 430. 431. Enquiry in Sessions if the Clerk of the Peace have taken above 12 d. for the Inrollment of a Bargain and Sale of any Land not exceeding 40 s. per Annum, or above 2 s. 6 d. if the Land exceed the value of 40 s. by the year. 27 H. 8. 16. §. 1. N. 4. *Crompt.* 59. §. 31. or have taken above 2 s. in all for any Licence or Recognizance of a Badger, Drover, Kidder or Lader, and for the Registering thereof, 5 Eliz. 12. §. 6. N. 3. or have taken above 12 d. for a Recognizance of him that taketh a Rogue into his service for one year, 14 Eliz. 5 §. N. *Crompt.* 59. b. §. 32. 33. & 177.
- Extortion. IX. *Crompt.* 57 b. §. 1. Nota the Commissioner §. 6. gives power to the Justices of Peace to enquire of all Extortions generally. *Crompt.* 8. b. §. 33.
- Officer. X. *Crompt.* 175. b. 176. §. 5. (The Commission gives power to the Justices of Peace to enquire of Extortions, and therefore where a Statute gives Fees to an Officer who takes more, the Justices of Peace may inquire thereof, tho the Statute doth not give it.
- Justices. XI. *Crompt.* 176. §. 9. Its said that a Justice of Peace shall have for his Fee for every Recognizance taken by him of the Peace 2 s. and for Recognizance of the Bailment of a Prisoner, 2 s. and for every *Supersedeas* of the Peace 2 s. for every Warrant of the Peace under his Seal, 2 s. and for recording a release of the Peace 2 s. and for a Precept which toucheth the Peace, 4 d.



XII. *Crompt. 177. Ab. §. 32.* Lords of Franchises shall by 12 R. 2. 10 §. Franchise.  
 1. N. 5. be contributory to the Wages of the Justices of Peace, and this shall be intended that if any Lord of a Franchise hath the Fines and Amerciaments of all his Tenants and Inhabitants within such a Vill, where, &c. that the Fines and Amerciaments shall be rated for the Portion, and the Sheriff shall retain so much of them when the Lord demands them in the Exchequer, and if the Lord may levy them by his Officers (as he may by the Kings Grant) then the Justices of Peace shall be paid by the Lord himself, *Marrow Lect. 10. Boul. 2. cap. 22. pag. 70.*

XIII. *Crompt. 177. b.* Every one of the eight Justices who is not a Ba- Justices.  
 ron or, &c. who comes to the Quarter Sessions, shall have 4 s. by the day, that they serve there, and their Clerk, (*viz.* the Clerk of the Peace) 2 s.  
 12 Rich. 2. 10. *Boul. 70. 71.*

XIV. *Crompt. 177. b.* The Constable who arrests one that is like to Constable.  
 make an affray shall take no Fine nor Fee of him for his deliverance, by *Marrow, Lect. 7.*

XV. *Crompt. 177. b.* The Clerk of the Peace shall have for every Recog- Officer.  
 nizance of the Peace taken in Court, 2 s. and for every release of the Peace 2 s. and for awarding Process against any one to find surety of the Peace, 2 s.

XVI. *Bolt. 2. cap. 22. pag. 70, 71.* and hereof (*viz.* on 14 R. 2. 11.) Justices.  
 also Mr. *Marrow* collecteth, that how many soever Commissioners of the Peace there shall be assembled at these Sessions, yet only eight of them shall receive the Wages, because that at such time as these Wages were first appointed, the Law did take knowledge and make allowance only of eight Justices, and no more. *Crompt. 177. b.*

XVII. *Bolt. 71. ib.* And *Marrow* also maketh it doubtful whether it Exchequer.  
 be not in the power of the Barons of the Exchequer to appoint which eight, when more be assembled at the Sessions, shall have the Wages paid unto them, but it seemeth by 14 R. 2. 11. §. 1. N. 3. that the Sheriff shall first pay the Wages, and then the Barons shall make the allowance according to the Indenture, so that I see no liberty of such nomination left unto the Barons, *Lambert 572.*

XVIII. *Bolt. 2. cap. 22. pag. 71.* It would be somewhat hard indeed to Justices.  
 strain 14 R. 2. 11. §. 1. N. 2. so far as to give Wages thereby to so many Justices as be now at these days in every Shire, and would be present at the Sessions; and it might breed both offence against the Sheriff, and a jealousy among the Justices themselves, to have one of them preferred before another in this payment, and therefore I think it wisely done as it is somewhere used, to bestow the whole allowance upon the defraying of their common diet.

XIX. *Bolt. 71. ibid.* If the Fines and Amerciaments of the same Sessi- Amerciaments  
 ons, saith Mr. *Marrow*, will not fully amount to the sum of the Wages then due to the Justices, yet shall the Wages be valuably paid out of them so far as they will extend.

XX. *Polt. de Pace. 90. §. 38.* If a man Indicted and Arraigned of Fe- Extortion.  
 lony doth plead and shew forth the King's Pardon of the same Felony, which is allowed by the Court, whereupon he doth pay and give his Fees of Gloves to the Justices and the other Officers of the Court, this is no Extortion, but an Ancient Fee, and lawfully due unto them. 4. *Edm.*

XXI. *Lambert 572.* the Statute 12 Rich. 2. 10. §. 1. N. 5. had allowed Justices.  
 to every of eight Justices of the Peace, four shillings by the day, for the time of their Quarter Sessions, to be paid by the hands of the Sheriff, of the Fines and Amerciaments coming of the same Sessions: But because it was soon after seen that it was a great delay to the Justices of Peace

in this payment, to expect the levyings of those Fines and Amerciaments by Estreats first sent up to the Exchequer, and then delivered thence to the Sheriff, (which was at that time the common manner of levying Fines and Amerciaments) therefore it was within two years after, viz. 14. R. 2. 11. §. 1. N. 3. provided that the Estreats of the Justices of Peace should be indented or doubled, and the one part thereof delivered by them to the Sheriff, to the intent that he may levy the mony thereof rising, and pay the Justices their Wages, by Indenture between him and them to be made, and the Barons of the Exchequer may charge and allow him upon the making of his account accordingly; and hereby, as I think, the Estreats of the Justices of the Peace be now an immediate Warrant to the Sheriff to levy, &c. *Lambert* 616.

Justices.

XXII. *Lambert* 4. cap. 21. pag. 615. Whilst it was at the liberty of the Justices of Peace to hold their Quarter Sessions as short time as they would, the Law did not allow them any Wages for their pains; but when 12 R. 2. 10. §. 1. N. 5. had bound them under pain of punishment to continue their Sessions three days together, if the affairs of the Office did so require; the same Statute thought it meet also to allow every of them four Shillings by the day, to be paid by the hands of the Sheriff, out of the Fines and Amerciaments rising of the same Sessions, and that the Lords of Franchises should be contributors to those Wages, &c.

Indictment.

XIII. *Lambert* 619. A Justice of Peace may also be Indicted of the unlawful taking of money for doing of his Office, or of such other falsity. *F.N.B.* 241. E. 2. Aff. 18. *Presentment*, &c. Br. 23. 9 H. 660. *Judges* Br. 2.

XXIV. *West. Symb.* 2 part 105 b. sect. 108. an Indictment of Extortion against a Coroner on 1 H. 8. cap. 7.

Effect ff.

Juratores pro Domino Rege super Sacramentum suum presentant, quod cum per Statutum in Parlamento Domini Henrici nuper Regis Angl. 8. Anno Regni sui primo ordinat' est, & stabilit' existit, quod super requisitionem Coronator' fact' ad veniend' & inquirend' super visum corporis alicujus personæ per infortunium occisæ, mersæ seu aliter mortuæ coronat' predict' diligenter faceret officium super visum corporis cujuscunque talis personæ vel personarum absque aliqua de pro vel inde capiend' sub pœna quod quilibet coronator qui officio suo ut predict' est fungi recusaverit vel rem aliquam caperet pro functione officii predicti super visum corporis alicujus personæ mortuæ per infortunium pro quolibet tempore 40 s. prout in Statut' predict' plenius continetur.

Quidam tamen *W.B. de H. in Com.* predict'. Generosus 12 die Decemb. &c. ad tunc existens unius coronator' dicti Domini Regis in Comitatu predict' apud *M. in Com.* predict' colore officii sui predict' extorsive & injuriose cepit pro feodo suo 20 solid. de quodam *Roberto S. de B. in Com.* predict' *Teoman*, pro executione officii sui predict' super visum corporis cujusdem *Johannis C.* nuper de *B. in Com.* *E. predict' Laborer*, qui apud *B. predict' in Com.* *E. predict'* quarto die predict' octob. Anno, &c. per infortunium occisus fuit in contempt' dicti Domini Regis, & ad grave Damnum ipsius *R. s. &c.* contra formam Statut' predict' & diversorum aliorum Statut' inde edit, &c. promiss. *Crompt. J.P.* 248. b. Pl. 55.

2. *Ibid.* sect. 109. The like on the same Statute 1 H. 8. cap. 7.

Effect ff.

Inquiratur pro Domino Rege si *A. C. de B. in Com.* *E. Gen'* 6. die Junii Anno Regni, &c. unus Coronator' dicti Domini Regis in dicto Com' *E.* ad tunc existens apud *B. predict' in Com.* *E. predict'* colore officii sui predict' extorsive cepit pro feodo suo 20 solid. de quodam *J. S. in dicto Com.* *Generos' in* & pro functione & executione officii sui predicti super

super visum corporis *R.N.* nuper de *B.* predict' in Com' *E.* predict' (qui quidem *R.N.* 5 die Mensis Junii predict' Anno supradict' apud *B.* predict' in Com' *E.* predict' Casu ab equo suo per infortunium fuit occisus) in magnum dicti Domini Regis contempt' ac contra form' Statut' in Parlamento Domini *Henrici* nuper Regis *Angl'* 8. tent' Anno Regni sui primo in huiusmodi casu provisi ac editi. *Lambert* Precedents 15 *b.* Pl. 41.

XXV. *West. Symb.* 2. part. 10 *b.* sect. 110. an Indictment of Extortion Leather, against an Elcheators servant. See 23 *H. 6.* cap. 17. & 5 *Eliz.* 8, &c. *Crompt.* 248 *b.* pl. 56.

Juratores pro Domino Rege super Sacramentum suum presentant, quod *Essex ff.*  
*R. Bennet* de *P.* in Com. *E.* predict' *Yeoman*, serviens & minister cuiusdam *B.T.* Elchaetor' dicti Domini Regis Com' predict' 15 die *Julii* Anno Regni, &c. apud *W.* in Com' predict' domum Mansionalem cuiusdam *J. M.* fregit & intravit & 6. tergora Corii vocat' 6 *Hydes of green Leather*, ad valent' 8 *l.* & 6 duodenas Pellium vitulorum vocat' 6 *dozen of Calves skins*, ad valent' 4 *l.* 10 *s.* quæquidem tergora & pelles adtunc & ibidem invent' colore officii sui extorsive & injuste cepit seisivit & asportavit ad grave damnum ipsius *J.* contra leges & ordinationes Domine *Elizabeth* nuper Reginae Regni sui *Angl'* & contra form' diversorum Statut' in huiusmodi casu edit' & provis.

XXVI. *West. Symb.* 2. part. 106. sect. 111. An Indictment against a Register in the Spiritual Court for Extortion upon 21 *H. 8.* 5. *Lamberts* Precedents. 15. *b.* pl. 42.

Juratores pro Domino Rege super Sacramentum suum presentant quod *Essex ff.*  
*A.B.* de *C.* in dicto Com' *E.* Generos' primo die mensis *Augusti* Anno Regni, &c. ad tunc Scriba seu Registerius reverendi in Christo Patris *D.* tunc permissione divina Archiepiscopi *E.* existens apud *M.* in Com' *E.* predict' colore officii sui predict' extorsive ac injuriose cepit de quodam *I. S.* de *M.* predict' in dicto Com' *E.* *Tanner* duos solidos legalis monetæ *Anglie* pro feodo ipsius *A.B.* pro scriptione probationis unius Testamenti cuiusdam *R. N.* Qui quidem *R. N.* apud *M.* predict' infra Dioces' dicti *D.* Archiepiscopi 24. die Junii Anno supradict' mortuus est, ubi re vera idem Testament. tunc ibidem allatum est ad dictum Scribam sive Registrarium per dict' *I. S.* in pergamento script' & ubi omnia bona jura & credita dicti *R. N.* dicto tempore dictæ mortis suæ non excedeabant summam quinque librarum & ubi etiam tota dict' script' probationis testament' predict' per prefat' Scribam sive Registrarium sic ut prefertur fact' non continebat in se 40 lin. quorum quæque linea erat 12 Policem in longitudine, in magnum dicti Domini Regis contempt' ac contra formam cuiusd' Statut' in Parlamento Domini *Henrici* nuper Regis *Anglie* 8. tent' Anno Regni sui 21. in hoc casu provisi ac editi.

*Felons,*



*Felons and Felony, see Coron.*

*Felo de se, see Coron.*

*Fencers, see Games.*

*Ferrets, see Forefts.*

*Fesants, see Fowls.*

*Feather-Beds, see Drapery Trades.*

*Fighting, see Affray.*

*Fines, see Amerciaments.*

### Fish.

- Justices:** I. 17 *Rich.* 2. §. 1. N. 7. the Justices of the Peace of all Counties shall be Conservators of the Statutes (13 *Ed.* 1. W. 2. cap. 47. of taking Salmons; and of 13 *Rich.* 2. 19. against taking Salmons in Millstands, &c.) in the Counties where they be Juuices. *Lambert* 189. 190. 447. *Dalt.* 55. cap. 21.
- Nufans.** II. 23 *H.* 8. 18. §. 2. N. 1. Justices of Peace, eight, seven or six, whereof two to be Citizens of *York*, one of *west*, and one of *Edst Riding*, &c. to survey and pull down all Fish Gorths, Pills, and Stakes in *Humber* and *Owse*, Nets wanting Affize, &c.
- Merchants.** III. *Lambert* 4. cap. 4. pag. 450. Enquiry at Sessions if any have packed Fish in Barrels, and have mixed the countable Fish with the small Fish, against 22 *Ed.* 4. 2. §. 3. N. 6. & 11 *H.* 7. 23. or have bought of a stranger born, or out of a strangers bottom any *Herrin* (other than such as comes by Shipwrack) not sufficiently salted, packed and casked, 5 *Eliz.* 5.
- Alien.** IV. *Lambert* 450. *ibid.* If any have dried in this Realm to be sold any Fish taken or brought hither by any stranger born, 13 *Eliz.* 11.
- Alien.** V. *Lambert* 450. If any stranger born have brought into this Realm, any Cods or Lings packed in Barrels or other Casks, 13 *Eliz.* 11 *Crompt.* 96.
- Apraisment.** VI. *Lambert* 450. 451. Enquiry in Sessions if any person within this year have taken upon him to set price to take Toll, or to demand any Tax upon any Sea Fish, taken by any subject in their own Vessels, &c. 5 *Eliz.* 5. §. 2. N. 1.
- Licence.** VII. *Lambert* 452. If any person, other than by reason of age, sickness, childing or license, have within this year eaten flesh in Lent, or upon any Fish days observed by the custom of this Realm, 2 & 3 *Ed.* 6. 19. §. N. 5 *Eliz.* 5. §. N. 35 *Eliz.* 7. §. N. & 1 *Jac.* 29. §. N.
- Merchants.** VIII. *Lambert* 453. If any have made or brought into this Realm any Barrels of Eels not containing 42 Gallons, or Butt of Salmon, not containing eighty four Gallons, 2 *H.* 6. 11. §. N. *Crompt.* 92 b.
- Admiral.** IX. *Lambert* 3. cap. 2. pag. 355. No Fisherman shall be taken to serve as a Mariner by the Kings Commissioners but by the choice of two Justices of the Peace adjoining to the place where he is to be taken, 5 *Eliz.* 5. §. N.
- Process.** X. *Dalt.* 55. cap. 21. By Warrant of any one or more Justices of the Peace the Constables and Church-Wardens where any offence is committed in destroying the spawn and brood of Sea Fish, may levy the forfeitures of the offenders by distress and sale, &c. *Lambert* 201. 3 *Jac.* 12. §. N.

XI. *Dalt.* 56. cap. 21. Every Justice of Peace in the Lent time may <sup>Forfeiture.</sup> enter into and search all Victualling Houses, and finding there any Beef, Mutton, Veal or Hogs killed or dressed, (except Flesh to be killed three days before *Easter*) may take and seize the same as forfeit, and shall give the same to Prisoners and poor People by their discretion, 1 *Jac.* 19. §. N.

XII. *Lambert* 447. 448. Enquiry at Sessions if any person have with <sup>Lieu.</sup> any Net or mean taken or killed any Fry or Spawn of any Fish in any Wear, Floodgate, Stream or River, salt or fresh, or at the Tail of any Mill, or have taken there any Salmon or Trouts out of Season, that is, being Kippers or Skedders: or have taken and killed any Pickerel under ten Inches in length, or Salmon under fifteen Inches, or Trout under eight Inches, or Barbel under twelve Inches; or have fished in any the said places with any Net, but such whereof every Mesh was two Inches and an half broad: but Angling is excepted, and so is the taking of Smelts, Loches, Minens, Binheads, Gudgeons, and Eels, in places only where they have been used to be taken, 1 *Eliz.* 17. §. N. & 13 *Eliz.* 11. §. N.

XIII. *Lambert* 568, 569. For the Justices (upon Conviction had before <sup>Amercement.</sup> them) may set Fine by their discretion upon such as take Salmons, or destroy the Fry of Fish in Rivers against 13 *Ed.* 1. W. 2. cap. 47. & 13 *Rich.* 2. 19. & 17 *Rich.* 2. 9. §. 1. N. 7. *Lambert* 447.

XIV. *West. Symb.* 2. part 138. §. 242. An Indictment for Fishing in a <sup>Indictment.</sup> Mill-pond, &c.

Inquiratur pro Domino Rege si T. W. de M. in Com' predict' Laborer, & <sup>Effex ff.</sup> H. J. de W. in Com' predict' Taylor, &c. die Aprilis Anno Regni &c. tam diversis temporibus ante predict' diem & postea apud H. predict' in Com' predict' vi & Armis in uno Stagno ibidem vocat' H. milne Poole liberum tene ment' R. D. Gen' cum Hamis & aliis ingeniis Piscat' & diversos Pisces ceperunt ad grave Damnum predict' R. D. ac contra pacem, &c.

XV. *West. Presidents* 72. b. §. 215. Indictment of Trespass in a Fishgorth, &c.

Juratores pro Domino Rege super sacramentum suum presentant quod <sup>Lincoln ff.</sup> W. S. de B. in Com' L. predict' Yeoman J. W. de eadem villa Yeoman & J. W. de T. Com' L. predict' Yeoman viii die Martii Anno &c. circa horam 4 post meridiem ejusdem diei in S. K. & B. in Com' L. predict' vi & Armis &c. in quand' Piscat' vocat' Fish Gorths tunc in tenura & occupat' R. F. C. L. & J. firmar' ibidem dicti Domini Regis intraverunt & fregerunt & tres Salmones ad vallent xx s. de bonis & Catallis predict' R. F. C. L. & J. L. in Piscatoria predict' ceperunt & abinde asportaverunt contra voluntatem predict' R. F. &c. ac contra pacem dicti Domini Regis nunc, &c.

XVI. *West. Symb.* 2. part 148. §. 252. An Indictment of Fishing in a Mill Pond.

Inquiratur pro Domino Rege si T. W. de M. in Com' predict' Laborer, <sup>Effex ff.</sup> & H. J. de W. in Com' predict' Taylor, &c. 14 die Aprilis Anno &c. ac diversis temporibus ante predict' ibidem & postea apud H. predict' in Com' predict' vi & Armis in uno Stagno idem vocat' H. Milne Poole, liberum tene ment' R. D. Gen' cum Hamis & Aliis Ingeniis piscat' & diversos pisces ceperunt ad grave Damnum predict' R. D. ac contra pacem &c.

*Flesh see Cattle, Fish.*

*Force.*

*Posse Comitatus, Entre, Riot, Rescous, Sheriffs.*

Sheriff.

I. 3. *Ed. 1. W. 1. cap. 17.* The Sheriff or Bayliff, &c. may take the power of the County to Replevie Cattle driven into Castle.

Process.

II. 13 *Ed. 1. W. 2. cap. 39. § 1. N. 25.* And if Resisters of the Kings Process Return by the Sheriff be convict of such resistance, they shall be punished at the Kings pleasure, neither shall any Officer of the Kings meddle in assigning the punishment, for our Lord the King hath reserved it specially to himself, because that resisters have been reputed disturbers of his Peace, and of this Realm.

Entry.

III. *Lambert 2. cap. 4. pag. 135.* It seemeth that before the troublesome Reign of King *Richard* the Second, the Common Law permitted any person which had good Right or Title to enter into any Land to win the possession thereof by force, if otherwise he could not have obteyned it, *Crom. 67. b. § 1. & 7 H. 6. 13. Forcible Entry Br. 2. Crompton 65. b. § 61. Boul. 1. cap. 29. pag. 121. Dalt. 193. cap. 76.*

Disseisor.

IV. *Lambert 135.* For a man may see in *Britton 115. cap. 44. Braff. 162. b. 163. a.* That a certain respite of time was given to the Disseisor according to his distance and absence, in which it was lawfull for him to gather Force, Arms, and his Friends, and to throw the Disseisor out of his wrongfull possession.

Trespass.

V. *Lamber. 135, 136.* And at this day, if in a Common Action or Indictment of Trespass for entering into Lands, the Defendant will make Title thereunto, the matter of the Force alledged against him, will rest altogether upon the validity of his Title, as appeareth 7 *H. 6. 13. 40. Lambert 147, 148. 9 H. 6. 19. Forcible Entry, Br. 18. Dalt. 193. cap. 76. Boul. 1. cap. 29. pag. 122. § 2.*

Entry.

VI. *Lambert 136.* But after the rebellious tumult and Insurrection of the Villains, and other the base Commons which happened 4 *Rich. 2.* the Parliament thinking it necessary to provide against all such occasions of further Sedition, Uproar, and breach of Peace, did ordain among other things, 5 *Rich. 2. 7.* That none from henceforth make any Entry into any Lands and Tenements, but in Case where Entry is given by the Law. 2. And in such Case not with strong Hand, nor with multitude of People, but only in Peaceable and easie manner. 3. And if any man from henceforth do the contrary, and thereof be duly Convict, he shall be punished by Imprisonment of his body, and thereof Ransomed at the Kings will, *Crompt. 67. b. § 2. Boul. 122. cap. 29. § 3.*

Justices.

VII. *Lambert 136, 137.* But because 5 *R. 2. 7.* provided no speedy remedy in this poinr, nor extended to holding with force, nor left any special power therein to the Justices of the Peace in the Country, whereas the experience of that unquiet time required a more ready hand to the suppression of such disorder, and Justices of the Peace were then 13 *R. 2. 7.* newly chosen in all the Counties of *England*, therefore it was further enacted 15 *Rich. 2. 2. § 1. N. 2.* that at all times that such forcible Entry shall be made, and complaint thereof cometh to the Justices of Peace, or to any of them, that the same Justices or Justice take sufficient power of the County, and go to the place where such force is made. 3. And if they find any that hold such place forcibly after such Entry made, they shall be taken



taken and put in the next Goal, there to abide Convict by the Record of the same Justices or Justice, untill they have made Fine and Ransom to the King. 4. And that all the people of the County as well the Sheriff, as other shall be attendant upon the same Justices to Arrest such Offenders upon pain of Imprisonment, and to make Fine to the King. 5. And in the same manner it shall be done, of them that make such forcible Entries in Benefices or Offices of Holy Church, *Crompt. 67. b. § 3. Boulst. 122. cap. 29. § 4. Dalt. 194. cap. 76.*

VIII. *Lambert 137, 137.* But yet again, forasmuch as 15 R. 2. 2. did not extend to those that entred Peaceably, and then held with Force. 2. nor yet reached to the Offendors, if they were removed before the coming of the Justices. 3. Nor made restitution of the Possession so forcibly gotten. 4. Nor gave any pain against the Sheriff that did not obey the Precepts of the Justices in this behalf, it was ordained, &c. 8 H. 6. 9. § 2. N. 3. that where any doth make any forcible Entry in Lands and Tenements or other possessions, or them hold forceably after complaint thereof made within the same County where such Entry is made, to the Justices of Peace, or to one of them, by the party grieved, that the Justices or Justice so warned within a convenient time, shall cause, or one of them shall cause the said Statute 15 R. 2. 2. duely to be executed, and that at the Costs of the party so grieved, *Crompt. 68. § 5. Boulst. 122. cap. 29. § 5. Dalt. 194. cap. 76. & 58. cap. 22.* Restitution.

IX. 8 H. 6. 9. § 3. N. 1. And moreover, tho that such persons making such Entries be present, or else departed before the coming of the said Justices or Justice, notwithstanding the same Justices or Justice in some good Town next to the Tenements so entred, or in some other convenient place according to their discretion, shall have, or either of them shall have Authority and power to enquire by the People of the same County, as well of them that make such Forceable Entries in Lands and Tenements as of them which the same hold with force. 2. And if it be found before any of them, that any doth contrary to this Statute of 8 H. 6. 9. then the said Justices or Justice shall cause to reseise the Lands and Tenements so entred or holden as afore, and shall put the party so put out, in full possession of the same Lands and Tenements so entred or holden as before. 3. And if any person after such Entry into Lands or Tenements holden with force, make a Feoffment, or other discontinuance to any Lord or other person to have maintenance, or to take away and defraud the possessor of his recovery in any wise, if after in Assize or other Action thereof to be taken or pursued before Justices of Assize, or other the Kings Justices whatsoever by due enquiry thereof to be taken, the same Feoffments and discontinuances may be duly proved to be made for maintenance, &c. that then such Feoffees, or other discontinuances, &c. shall be void, frustrate, and holden for none.

X. 8 H. 6. 9. § 4. N. 1. And also when the said Justices or Justice make such enquiries as before, they shall make, or one of them shall make their Warrants and Precepts to be directed to the Sheriff of the same County, Commanding him on the Kings behalf to cause to come before them, and every of them, sufficient and indifferent persons, dwelling next about the Lands so Entred as before, to enquire of such Entreies. 2. Whereof every man which shall be Impannelled to Enquire in this behalf, shall have Land or Tenement of the yearly value of xl. s. by the year at the least above reprises. 3. And that the Sheriff Return Issues upon every of them at the day of the first Precept Returnable 20 s. and at the second 40 s. and at the third time 100 s. and at every day after the double. 4. And if any Sheriff or Bailiff within a Franchise, having Return of the Kings Writ, be slack, and make not Execution duly of the said Precepts to him

him Directed to make such Inquiries, that he shall forfeit to the King 20l. for every default, and moreover shall make Fine and Ransom to the King.

XI. 8 H. 6. 9. § 5. N. 1. And that as well the Justices or Justice aforesaid, as the Justices of Assize, and every of them, at their coming into the Country to take Assizes, shall have, and every of them shall have power to hear and determine such defaults and negligences of the Sheriffs and Bayliffs, and every of them, as well by Bill at the Suit of the party grieved for himself, as for the King, to sue by Indictment only to be taken for the King. 2. And if the Sheriff or Bayliff be duly attainted in this behalf by Indictment or by Bill, that he which sueth for himself and for the King have the one moiety of the Forfeiture of 20l. together with his Costs and Expences. 3. And that the same Process be made against such persons Indicted or sued by Bill in this behalf, as should be against persons Indicted or Sued by Writ of Trespass done with Force and Arms against the Peace of the King.

XII. 8 H. 6. 9. § 6. N. 1. And moreover if any person be put out, or disseised of any Lands or Tenements in forcible manner, or put out peaceably, and after holden out with strong hand, or after such Entry, any Feoffment or Discontinuance in any wise thereof be made to defraud and take away the right of the Possessor, that the party grieved in this behalf shall have *Assize of Novel Disseisin*, or a Writ of Trespass against such Disseisor. 2. And if the party grieved, recover by Assize, or by Action of Trespass, and it be found by Verdict, or in other manner by due Form in Law, that the party Defendant entred with Force into the Lands and Tenements, or them after his Entry, did hold with Force, that the Plaintiff shall recover his Treble Damages against the Defendant. 3. And moreover that he make Fine and Ransom to the King. 4. And that Mayors, Justices, or Justice of Peace, Sheriffs, and Bayliffs of Cities, Towns and Burroughs, having Franchises, have in the said Cities, Towns, and Burroughs, like power to remove such Entries, and in other Articles aforesaid, ruling within the same, as the Justices of Peace and Sheriffs in Countyes and Countreys aforesaid have.

XIII. 8 H. 6. 9. § 7. N. 1. Provided always that they which keep their Possessions with Force in any Lands and Tenements, whereof they or their Ancestors, or they whose Estate they have, in such Lands and Tenements have continued their possessions in the same, by three years or more be not endamaged by Force of this Statute.

Justices.

XIV. *Lambert* 140. This Statute 8 H. 6. 9. § N. Enableth any one Justice of the Peace to give remedy in this hurt of Forcible Entry, and holding: and is made as well against such as enter with force and then hold peaceably, and against those that enter in peaceable sort, and then maintain their possession forcibly, as also against as many as do both enter and hold in forcible manner 3 Ed. 4. 19. *Forcible Entry*, Br. 15. F.N.B. 148. *Dalt.* 56. cap. 22. & 194. cap. 76.

Disseisin.

XV. *Lambert* 141, 142. Walking over another mans ground to Hawk, Hunt, Fish, cut Grasse, or fell Trees, or taking Goods is a Disseisin with Force and Arms, 34 H. 6. 26. *Acc. sur Stat.* Br. 8. *Briefe* Br. 522. & 11 *Ass.* 26. & 11 H. 4. 16. 21 Ed. 3. 34. *Assize* 301. and yet I doubt also, whether any of these be of themselves forcible Entries of that nature, which these Statutes do take in hand to punish; for albeit they have in them more actual force then those other Trespasses, &c. Yet whilst the doer of them neither executeth apparent violence against any person, nor is furnished with Weapon, nor armed with Company that may offer any dreadfull disturbance. I see not how those Statutes which have for their only mark strong hand and multitude of people can hurt, or so much as hit him, *Crompt.* 68. §. 1. *Dalt.* 195. cap. 77. XVI.

XVI. *Lambert* 142. So that if a man were Indicted upon this Statute, <sup>Riot.</sup> 8 H. 6. 9. for that he Disseised another *vi & Armis*, viz. *Gladiis &c.* without saying *manu forti*, &c. or *cum multitudine*, &c. the Bill as I think would be insufficient, unless it were holpen by concluding afterwards, *contra form' Statuti predicti*, or by some other matter that implyeth so much, *Dalt.* 195. cap. 77.

XVII. *Lambert* 145. If a Justice of the Peace come to the house that is <sup>Seisin.</sup> supposed to be holden with force, and there findeth but one person which obstinately keepeth the Door shut against him, and will not suffer him to enter, this is a forcible holding by *Marrow*. So is it, if when the Justice entreth the house, he shall find persons harnessed, or in other Warlike fort, appointed, or having such furniture lying ready in the House to be used by, them by *Marrow*. But if a man shall peaceably enter into a House wherein he findeth Armor or Weapon for the War, then, as I think, the only suffering it to remain there without the use thereof, will not charge him as a forcible holder, *Crompt.* 70. b. § 40. *Dalt.* 57. cap. 21. & 197. cap. 77. *Boult.* 123. cap. 29. § 11.

XVIII. *Lambert* 146, 147. Touching the Recording of the Force, al- <sup>Records.</sup> though both this Statute 8 H. 6. 9. § 2. N. 3. 15 R. 2. 2. § 1. N. 2. have mention that the Justice shall upon complaint made unto him by the party grieved, go to the place, &c. yet that doth not inforce any necessity of such complaint; for it is holden 7 Ed. 4. 18. *Crompt.* 64. a. that a Justice of Peace may Record a forcible Entry or holding, or may enquire of it, and make restitution also upon any Information or knowledge thereof whatsoever, tho no complaint at all be brought unto him by any party grieved thereby, *Poult. de Pace* § 8. § 16. *Boult.* 122. cap. 29. § 8.

XIX. *Crompt.* 67. b. 68. a. § 4. If a man enters with Force upon the pos- <sup>Justices.</sup> session of a Justice of Peace, it seemeth he himself may Record this Force, and Commit him, tho he is party himself to the matter, because the Statute 15 R. 2. 2. § 1. N. 3. is that the Justice shall Record the Force, and Commit him, and this is for the King; as in the Case where a Constable Arrest one that would assault him, he may Imprison him till he will find Sureties of the Peace *per Curiam* 5 H. 7. 6. *faux Imprisonment Br.* 42. and yet I heard *Flowerdew* Justice of Assize at *Stafford* in his Charge there, say, That it hath been often seen, that a Justice of Peace who hath executed his Office in his own Case, hath been punished in the Star-Chamber, 43 *Eliz.* 7. § 3. N. 1. *Dalt.* 344. cap. 120. § 2.

XX. *Lambert* 2. cap. 4. pag. 147. And as the Statute 8 H. 6. 9. § 2. N. 3. <sup>Costs.</sup> saith that this ought to be done at the Costs of the party grieved: so *Marrow* thinketh, that unless these Costs be tendered before hand, the Justice needeth not to stir about it. But howsoever he being then a practicer in the Law, might think it good to stand upon his Fee; yet I advise our Justice of the Peace to go forward, as having more regard of his Credits Oath and Duty, *Costs Br.* 2.

XXI. *Lambert* 147. Neither ought the Justice to Stagger, or stay at <sup>Droit.</sup> at all about the right or wrong of his Title that entreth or holdeth forcibly; for considering that 5 R. 2. 7. § 1. N. 2. doth without exception prohibit all Entry with Force, howsoever the Entry be otherwise lawfull, and seeing also that 8 H. 6. 9. § 3. N. 3. permitteth no forcible holding, but only where three years possession have gone before: and weighing moreover, that both they and 15 R. 2. 2. § 1. N. 3. do together labor to repress force and Violence, and have also made the Justice of Peace their Minister therein. I see no cause why the Justice of Peace, who perhaps shall want sufficient learning in the Law to discern of the right or title, (and yet may be both a fit person to remove the Force, and able enough to restore the possession) should be tyed to the discussion of the right



right or title of either of the parties, and this I gather upon the opinion of all the Court, 9 H. 6. 19. *Entre. 5. Forcible Entre Br. 18.* which was the very next year after the making of the last of these Statutes, where it is said that *Acc. Sur Stat. Br. 7.* is for the right only, and must say *Illicite ingressus est, Or ubi ingressus non datur per legem:* But the Indictment is for the Force in respect of the King, to whom the party shall make Fine, although his right be never so good and sound 22 H. 6. 18. *Crompt. 74. 164. b. 166. b. Dalt. 197, 198. cap. 77. & 210. cap. 81.*

Justices.

XXII. *Lambert. 148, 149.* And therefore the Justices of the Peace may boldly proceed in this business, taking with him sufficient power of the Country by his Discretion, and therein the Sheriff also, if need do require, as well for the Arresting of such as he shall find to Enter or hold forcibly against these Laws: as also for the removing of the Force which they bring and for the conveying of them to the next Goal, as persons thereof Convicted by his own Eye, Testimony, and Record, *Boult. 123. cap. 29. § 8, 9.*

Record.

XXIII. *Lambert. 149, 150.* The Record of the Force, *Kent ff.* Memorandum quod 8. die mensis Januarii Anno Regni &c. Questus est mihi *S. L.* uno Justiciar' dicti Domini Regis ad pacem in dicto Comitatu conservand' Assignat' quidam *A. B. de W.* in dicto Com' Yeoman quod *C. D. de W.* predict' & nonnulli alii pacis dicti Domini Regis perturbatores ignoti in Domum Mansionalem ipsius *A. B. in W.* predict' manu forti ingressi sunt & ipsum *A. B.* inde Dissesiverunt ac eandem manu forti & Armata potentia adhuc extratenen' ac proinde petit a me sibi in hac parte remedium Apponi Quæ quidem querimonia & petitione audita ego prefatus *S. L.* Immediate ad dictam Domum Mansionalem personaliter accessi ac in eadem Domo ad tunc inveni prefatum *C. D.* & quosdam *E. F. & G. H. &c.* Domum illam vi & Armis, manu forti & Armata potentia, viz. Arcubus & sagittis Gladiis pugionibus Galeis & loricis tenentes contra formam Statuti in Paliament' Domini *Rich.* nuper Regis Angl' secund' Anno Regni sui XV. tent' provisum ac contra form' diversorum aliorum Statutorum ac propterea ego prefat' *S. L.* predictos *C. D. E. F. & G. H.* ad tunc & ibidem Arrestavi proximæque Goalæ dicti Domini Regis apud *M.* in dicto Comitatu duci feci ut de dicta manu forti tentione per visum & Recordum meum convictos ibidem moraturos quousque Fines dicto Domino Regi pro transgressionibus suis predictis fecerint. Dat' apud *W.* predict' sub sigillo meo die & Anno supradict' per me prefat' *S. L. Dalt. 391. cap. 129. Crompt. 74. b.*

Imprisonment.

XXIV. *Lambert 150, 151.* The form of the Mittimus to the Goaler may be thus, *Kent ff.*

*G. C.* one of the Justices of the Peace of our Sovereign Lord the Kings Majesty, within his said County of *K.* to the Keeper of his Majesties Goal at *M.* in the said County, and to his Deputy and Deputies there, and to every of them Greeting: Whereas upon Complaint made unto me this present day by *A. B. of W.* in the said County Yeoman. I went immediately to the Dwelling House of the said *A. B. in W.* aforesaid, and there found *C. D. E. F. & G. H. of W.* aforesaid Laborers forcibly, and with strong hand, and Armed power, holding the said house against the Peace of our said Sovereign Lord, and against the form of the Statute of Parliament thereof made, in XV. year of the Reign of our late King *Richard the Second:* Therefore I send you by the bringers hereof, the Bodies of the said *C. D. E. F.* and *G. H.* Convicted of the said Forcible holding, by my own View, Testimony, and Record, Commanding you in his Majesties Name to receive them into your said Goal, and there safely to keep them untill such time as they shall make their Fines to our said Sovereign Lord, for

for the said Trespasses, and shall be thence delivered by order of the Law of the Land; hereof fail you not, upon the Peril that may follow thereof. Given at *W.* aforesaid, under my Seal the day and year aforesaid, by me the said *G. C. Crompt.* 74, b. 75. *Dalt.* 391. cap. 129. *Poult. de Pace.* 38. §. 15.

XXV. *Crompt.* 62. §. 16. The Queens Attorney, viz. Sir Gilbert Gerard, *Amerciament.* exhibited a Bill in the Star-Chamber, on 17 R. 2. 8. because the Sheriff and Justices of Peace of *Stafford*, did not remove the force that was in the Mannor of *Drayton Bassett*, and the Sheriff, and divers of the Justices were fined, *Dalt.* 59. cap. 22.

XXVI. *Crompt.* 68. b. §. 5. Though the Justices of Peace will not Record the Forcible Entry or Deteyner, nor enquire thereof; yet no pain is given by 15 R. 2. 2. nor by 8 H. 6. 9. but on complaint in the Star-Chamber, they shall be punished, &c. *Dalt.* 60. cap. 22. *Justices.*

XXVII. *Crompt.* 71. §. 44. If a House that is held with Force, extends into two Countreys, and they remove the Force into that part of the House which is in the other County when the Justices come, in this Case they cannot remove this Force, *Boult.* 123. cap. 29. §. 12. *Lieu.*

XXVIII. *Dalt.* 57. cap. 22. §. 3. Also the Justice ought to make a Record of such Force by him Viewed, which Record shall be a sufficient Conviction of the Offendors, and the parties shall not be allowed to Traverse it, 8 Co. 122. & 14 H. 7. 8. and this Record (being made out of Sessions by a particular Justice) the said Justice may keep by him, or he may make it indented, and certifie the one part into the Kings Bench, or to leave it with the Clerk of the Peace, and the other part he may keep himself, *Boult.* 123. cap. 29. *Record.*

XXIX. *Dalt.* 57. cap. 22. §. 4. Also he ought to Commit immediately to the next Goal all such persons as he shall find and see, continuing the Force at his coming to the Place, &c. For this sight and View of the Force by a Justice, being a Judge of Record, maketh his Record thereof as strong as if the offendors had confessed, and touching the restraining of traverse more effectual than if the Force had been found by a Jury, &c. and yet the words of the Statute 15 R. 2. 2. §. 1. N. 3. seem more large, scil. if he find any that made such Forcible Entry, or hold with Force, he shall Commit, &c. but such Force must be in the View or presence of the Justice of Peace, or else he can neither Record it, nor Commit the Offendors, *Dalt.* 60. cap. 22. 13 H. 7. *Kell.* 41. pl. *Boult.* 123, cap. 29. §. 18. 19. *Imprisonment.*

XXX. *Dalt.* 197. cap. 77. But note that a Forcible Entry Br. 25. cannot be without an actual Entry; for the words of 8 H. 6. 9. §. N. be *Who-soever doth enter*, &c. *Dalt.* 200, &c. Note also that if a man shall Enter with Force into House or Land, although he obtaineth not, nor getteth the actual possession thereby, yet shall he be Imprisoned and Fined for the only Entering with Force, as it seemeth, *Dalt.* 201. &c. but Restitution is not to be made but only where there is a putting out, and a holding out of another out of his Possession, *Lambert* 152. 153. *Poult. de Pace* 39. §. 22.

XXXI. *Dalt.* 198. cap. 77. It seemeth that to threaten to maim, beat, or to do other bodily harm, &c. amounteth to a Forcible Entry or detainer, for that Death may ensue upon such beating or hurt 39 H. 6. 50. & 7 Ed. 4. 21. *Menace.*

XXXII. *Lambert* 2. cap. 4. pag. 151. But now forasmuch as 8 H. 6. 9. §. 3. N. 2. hath provided restitution for the party that shall be put out of possession by such forcible Entry, and for that no restitution can be made by the Justice of Peace, but only upon the finding of the same, putting out by the Oaths of the Enquarers, let us consider the duty of the Justice, &c. *Dalt.* 59. cap. 22. *Crompt.* 166. *Enquest.*

XXXIII.

Enquest.

XXXIII. *Lambert* 152. *ibid.* Concerning the Enquiry, *Marrow* noteth  
 1. That it is no cause to Impeach the Inquiry, though the Justice do not go  
 to see the place where the Force is, and yet the words of 8 H. 6. 9. § 3. N.  
 1. are whether the persons be present, or avoided before the Justice com-  
 ing. 2. That albeit the Letter of 8 H. 6. 9. § 4. N. 2. is that each Juror  
 of this Inquiry ought to have Lands or Tenements of the clear yearly value  
 of xl. s. yet if any of the presenters have not so much Land, the Present-  
 ment is good for the King: but then saith he the party shall have no resti-  
 tution by it, if that matter be shewed at the time of the Restitution to be  
 made; howbeit I my self do not well perceive how the Restitution that  
 the Justice of Peace ought to make upon such a presentment can be stayed,  
 save only by removing of the Record into B. R. or by alledging three years  
 quiet possession. 3. That if the Sheriffs shall Return smaller Issues upon  
 the Enquirers than the Statute 8 H. 6. 9. § 4. N. 3. doth appoint, yet the  
 party shall never take advantage by it, *Dalt.* 209. cap. 80. 58. cap. 22.  
*Crompt.* 165. b.

Seisin.

XXXIV. *Lambert* 153. Moreover it is not enough that the putting  
 out be found, unless the Indictment do also contain *adhuc extra tenet*,  
 without the which, it may be thought that the other hath gotten in again,  
 and then restitution shall be needless; *Crompt.* 163. b. & 14 H. 6. 16 For-  
 cible Entry, Br. 13. *Crompt.* 166. a. *Dalt.* 210. cap. 81.

Restitution.

XXXV. *Lambert.* 154. This Restitution ought to be made to him that  
 is put out, and to none other: so that if the Father be put out by Force  
 and Dyeth after the time of Enquiry, and before Restitution, his Heir  
 shall not have Restitution upon it, *Dalt.* 213. cap. 83. & 59. cap. 22. &  
 206. cap. 79.

Enquest.

XXXVI. *Lambert* 164. The Precept to the Sheriff in nature of a  
*Venire facias.*

*Kanc. ff. G. R. unus Justiciar' Domini Regis ad Pacem in Comitatu Kanc.*  
*conservand' Assignat' Vicecom' ejusdem Comitatus salutem ex parte dicti*  
*Domini Regis tibi mando & percipio quod venire facias coram me apud*  
*J. in Com' predict' xx die Sept. proximum futurum xxiiij probos suffici-*  
*entes & legales homines de vicineto de J. predict' quorum quilibet habet*  
*xl. s. terrarum & tenement' vel reddit' per An' ad minus ultra reprisas*  
*ad inquirendum super sacramentum suum pro dicto Domino Rege de quo-*  
*dam ingressu manu forti facto in Messuagium cujusdam A. B. apud J. pre-*  
*dict' contra form' Statut' in Parliament' Dom' H. nuper Regis Angliæ sexti*  
*Anno Regni sui octavo tent' editi ut dicit' & videas quod super quemlibet*  
*Juratorum per se in hac parte Impannelland' xx. s. de exitibus ad prefatum*  
*diem retornes & hoc nullatenus omit' sub pena xx l. q. noveris te incursum*  
*si in executione premissorum tepidus aut remissus fueris & habeas ibidem*  
*tunc hoc preceptum Teste me prefato G. R. xv. die martii Anno Regni &*  
*Crompt.* 75. *Dalt.* 392. cap. 129. *Poult. de Pace.* 36. § 7. *Dalt.* 209.  
 cap. 80.

Process.

XXXVII. *Lambert.* 164, 165. And upon default of appearance of these  
 Jurors, an *alias* may be awarded, and after that *pluries infinite* till they  
 come: but so that at the day of the second Writ xl. s. must be Returned,  
 at the third Writ 100 s. and at every day after the double, *Crompt.* 75.

Verdit.

XXXVIII. *Lambert* 165. The Inquiry or Verdit of the Jurors.

*Inquisitio pro Domino Rege Capta apud J. in Comitatu K. 29 die Julii*  
*Anno Regni &c. per sacramentum A. B. C. D. E. F. &c. coram H. P. milite*  
 uno



uno Justiciar' dicti Domini Regis ad pacem in dicto Comitatu conservandum, necnon ad divers' felonias transgr' & alia malefacta in eodem Comitatu perpetrat' Audiend' & terminand' Assignat' Qui dicunt super sacramentum suum predictum quod C. D. de J. predict' Yeoman diu legitime & pacifice seiscitus fuit in Dominico suo ut defeodo de & in uno Messuagio &c. cum pertinentiis in J. predict' & possessionem ac seisciam suam predict' sic continuavit quousque A. B. de &c. & alii malefactores ignoti primo die Septembris ultimo elapso vi & Armis, viz. Baculis Gladiis &c. in Messuagium predict' &c. Intraverunt & adtunc & ibidem ipsum C. D. inde Disseisiverunt & manu forti expulerunt, & eundem C. D. sic Disseisitum & expulsam ab eodem messuagio &c. a predicto primo die &c. usque ad diem captionis hujus inquisitionis cum hujusmodi fortitudine & potentia armata extratenuerunt & adhuc extratenent in magnam pacis dicti Domini Regis perturbat' & contra form' Statut' in Parliament' Domini H. nuper Regis Anglie sexti Anno Regni sui octavo tento in tali casu editi & provisi ubi nullus eorum nec aliquis alius cujus Statum ipsi aut aliquis eorum habuerunt aut habuit aliquid in eodem messuagio &c. aut in aliqua inde parcella habuerunt aut habuit infra tres Annos proximos ante ingressum suum predictum neque alio tempore precedente ad notitiam Juratorum predictorum, *Crompt. 75. b. Dalt. 393. cap. 129. Poult. de Pace 36. b. § 8.*

XXXIX. *Lambert 166, 167.* The Warrant to the Sheriff for the making of Restitution, if the Justice himself will not make it. Restitution.

H. P. Miles, unus Justiciar' &c. assignat' Vicecom' ejusdem Comitatus salutem. Cum per quandam inquisitionem patrie coram me captam apud J. in Com' predict' 29. die Julii &c. supra sacramentum A. B. C. D. E. F. &c. ac per) form' Statuti de ingressibus manu forti factis in tali casu provisi compertum existit quod A. B. &c. & alii &c. primo die Septembris &c. in quodam messuagio &c. C. D. &c. in J. predict' vi & armis ingressi sunt ac ipsum C. D. inde tunc manu forti Disseisiverunt & expulerunt & predictum C. D. sic expulsam a predicto Messuagio &c. a predicto 1. die Septembris &c. usque ad diem captionis inquisitionis predict' manu forti & (cum armata) potentia extra tenuerunt prout per inquisitionem predictam plenius liquet de Recordo ideo ex parte dicti Domini Regis tibi mando & percipio quod (ad hoc debito requisitus) una cum posse Comitatus tui si necesse fuerit accedas ad messuagium & cetera premissa ac eadem cum pertinentiis reseisir' facias & prefatum C. D. ad & in plenam possessionem suam inde prout ipse ante ingressum predictum fuerat seiscitus restitui & mitti facias juxta formam dicti Statuti & hoc nullatenus omittas periculo incumbente Teste me prefato H. P. &c. *Crompt. 75. b. 76. a. Dalt. 395. cap. 129. Poult. de Pace 36. b. § 9.* Kanc. ff.

XL. *Dalt. 195. cap. 129.* This Warrant to the Sheriff to make Restitution, shall be under the Teste of one of the Justices only, as it seemeth, Process.  
*Dyer 187. pl.*

XLI. *Lambert 154. b.* And in some Cases saith *Marrow*, there may be a mutual or cross Restitution Awarded, as if it be found by one Inquiry, that I my self was Seised untill that A. Disseised me with force: and by another Inquiry, that the same A. was Seised untill by me Disseised with Force: now either of us may pray Restitution, and shall have it against the other, because it is by several Inquisitions, whereof the Justices supposed to be several, cannot take mutual understanding, and then shall he be in the worst Case, that hath the first Restitution; for the other shall have him removed by his Restitution that cometh after, *Crompt. 166.*

- Sheriffs.** XLII. *Lambert* 157. And if upon a Writ of Restitution Awarded, the Sheriff shall Return that he is so resisted, that he cannot bring the party into his possession, he shall be Amerced for such his Return (saith *Marrow*) because he may take the power of his County to assist him therein, *Crompt.* 163. *b. Dalt.* 212. cap. 82.
- Courts.** XLVIII. *Lambert* 157. *ibid.* And it is certain that if the Presentment be sent into the Kings Bench, the party may have his Restitution Awarded out of the Court, by the Equity of this Statute, as it is holden, 7 *Ed.* 4. 18. & 4 *H.* 7. 18. *Crompt.* 16. *infra Dalt.* 211. cap. 81.
- Justices.** XLIV. *Lambert* 157, 158. But if it happen that the Justice of the Peace before whom the Enquiry was taken, do dye before Restitution delivered by him: It may be doubted whither his fellow Justices having the presentment brought unto them, may at their Quarter Sessions Award the Restitution, because the Statute 8 *H.* 6. 9. § 3. N. 2. seemeth to refer it to them only before whom the Inquiry was made. It is I know the opinion of Mr. *Marrow* that they may, grounding himself, as I think, upon the same equity, by which the Justices of *B. R.* are Enabled to do it, howbeit it may appear, *Dyer* 187. pl. (and forcible Entry, *Br.* 27.) that the Law is otherwise taken, both therein, and also in the granting of a *superfedeas* to stay the Restitution, because no Justices can do the one or the other, but they only that were present at the Session when the Indictment was found, except those of *B. R.* who for the supposed presence of the King do carry a supreme Authority in these Cases of the Crown: But *Marrow* agreeth that neither the Justices of *B. R.* nor any other besides him that made Inquiry, can personally restore the party, but by way of Precept only, *Dalt.* 59. cap. 22. & 212. cap. 82. *Crompt.* 165.
- Imprisonment.** XLV. *Lambert* 158. This seemeth upon consideration of both the Statutes, 15 *R.* 2. 2. & 8 *H.* 6. 9. § 3. N. 2. to be plain, that such persons as the Justice of Peace doth find and see, continuing the Force at his coming to the place, then he may immediately Commit to the Goal, as convict of that offence, notwithstanding any their gain saying whatsoever, *Boul.* 123. cap. 29. § 9. 10.
- Traverse.** XLVI. *Lambert* 158. *ibid.* But upon the Inquiry, I see not that the Justice of Peace hath any other power Committed unto him by 8 *H.* 6. 9. § 3. N. 2. then to make the Restitution only, which also it seemeth that he may make, notwithstanding this offer of Traverse; and if he will not so do, the safest way in my opinion, is to deliver or certifie the Presentment into *B. R.* and so to reserve the further proceeding therein, to their further power and Authority, *Dalt.* 60. cap. 22. *Crompt.* 164. *b. Dalt.* 407. cap. 133. *infra.*
- Enquest.** XLVII. *Dalt.* 58. cap. 22. § 6. Also the Justice of Peace notwithstanding his own View of the Force may and ought in some good Town or place near where the Force was (at the cost of the party grieved) to Enquite by a sufficient Jury of the same County to be Returned by the Sheriff, &c. *Com.* 86. *Boul.* 114. cap. 29. § 25.
- Justices.** XLVIII. *Dalt.* 58. *ibid.* And here Note that any one Justice of Peace alone out of the Sessions, may make an Inquiry, being so appointed by the Statute, whereas otherwise there must be two Justices at the least to make an Enquiry, or to hold a Sessions, and one of them of the *Quorum*, *Peace Br.* 14 *Dalt.* 61. *ibid.*
- Amerciament.** XLIX. *Lambert* 159. Touching the Assessement of the Fines, some do think that the same Justice hath sufficient Authority to put them to their Fines, and upon Pledges found for the payment thereof, to deliver them out of Prison again, when he by his discretion shall think it good; for as they say, he is the only appointed Judge over this Offence, and only hath the Custody of the Record, and knoweth best both how

how to moderate the Imprisonment, and to rate the Fine according to the quantity of their trespass and offence, and as he is bound by his Oath and Duty in their Opinion to Estreat all Issues and Amerciaments growing to the King by his Inquiry, so ought he also to Estreat and send this into the Exchequer, &c. But granting this to be true, yet to avoid all perill of dashing against the Rock of doubt, I think it the better course to refer this over (by delivery or certificate in *B. R.*) *Dalt.* 57. 58. cap. 22. *Boult.* 124. cap. 29. § 21.

**L. Crompt.** 161. § 45. Two Justices of Peace Record a forcible detey-  
ner of Lands and a House made against 8 H. 6. 9. and Commit the party, and before the Justice of Assize and Goal delivery, he makes a fine for the Force, *ut accidit apud Staff.* at the Assizes in *August*, 26 *Eliz.* and thereby it seemeth that the Justices of Peace at the General Sessions may assess the Fine as well as the Justices who recorded the Force, for the Statute 15 R. 2. 2. § 1. N. 3. doth not say expressly that the Fine shall be assessed by them which recorded the Force more than by other Justices; but it seemeth convenient that they who Record the Force or Riot should assess the Fine, as *Marrow* saith, *Leit.* 8. for they have best cognizance of the matter, &c. *Boult.* 125. cap. 29. § 32.

**LI. Dalt.** 60. cap. 22. Although the Justice of Peace ought to Commit to the Goal, and may Fine all such as he shall see continuing their Force at his coming to the place: yet upon force found by Inquiry only, and not viewed and seen by the Justice; although this presentment of the Jury be a Conviction of the Offenders, yet it seemeth the Justice of Peace may neither fine nor send to the Goal the said Offenders by 8 H. 6. 9. § 3. N. 1. (which appointeth the Inquiry) for the Justice hath power by the said Statute to make Restitution only, as saith *Lambert* 158, 159. yet *Mr. Crompt.* 161. § 45. holdeth the contrary, *scil.* That the party Indicted shall be Fined for the Force found, *Lambert* 158. *supra* 46. *Dalt.* 407. cap. 133. *infra* 79. *Boult.* 126. cap. 29. § 41.

*Lambert* 162. That on 14 H. 7. 28. Forcible Entry, *Br.* 10. & 22 H. 8. 6. &c. The difference (as well in *Acc sur Stat.* of an Indictment pleading three years possession by 8 H. 6. 9. § 7. N. 1.) will rest in this as I think, whether that continual possession of three years do immediately follow a peaceable or forcible Entry (continual) I say because Forcible Entry *Br.* 29. seemeth to hold that if that possession by three years, have not been continual, and without interruption, then if he reenter he cannot hold or deteyn with Force, be his right or Title never so good and lawfull, see *Dyer* 141, 142. for the resolution of this Question as to Indictments 31 *Eliz.* 11. § N. was made *Crompt.* 162. 165. *b.* *Dalt.* 207. cap. 79.

**LIII. Crompt.** 161. *b.* When a man is Indicted of a Forcible Entry upon 8 H. 6. 9. § 3. N. 2. the Statute is that the party so ousted shall be restored, as appears by the Statute, but without an Indictment he shall not have Restitution, though the Justices Record the Force, *Dalt.* 210. cap. 81.

**LIV. Crompt.** 162. If a man be restored upon an insufficient Indictment in the Country, upon 8 H. 6. 9. which is removed in *B. R.* the Court there shall restore the party who was first ousted, and so it hath been adjudged, *Dyer* 142. *Lambert.* 157. *supra* 43. *Dalt.* 210. cap. 81.

**LV. Crompt.** 162. *ibid.* Restitution is awarded in the Country on an Indictment taken before the Justices of Peace, and before Restitution made the Justices *de B. R.* before the Indictment was removed, Awarded a *superfedeas* upon the Indictment, which is before them adjudged insufficient, with a *proviso*, that if Restitution be Awarded before, that the Sheriff shall restore him that was ousted, notwithstanding as it was adjudged, *Mi. b.* 27 & 28 *Eliz.* in *B. R.* *Crompt.* 162. *b.* *infra* § 57.



Amercement.

LVI. *Crompt.* 162. *ab* the Statute of 8 H. 6. 9. contains two matters, one the Fine to the King for the Force found, the other the Restitution, and tho he against whom the Bill is preferred, shall not be heard to give Evidence to Excuse himself of the forcible Entry to save the Fine due to the King for the Force, yet as to Restitution which the Plaintiff will demand, if the Force be found the Defendant shall be heard to disprove the Title of the Plaintiff, otherwise any man might be ousted without cause, and this is by Discretion.

Restorari.

LVII. *Crompt.* 162. *b.* Restitution is Awarded, the party having a *Certiorari* out of B. R. who after the Sessions delivers it to the Sheriff, yet he shall not Surcease, for he hath not any Authority to allow it: but if it be delivered to any Justices of the Peace, he may Award a *superfedeas*, but if Restitution be made before the Sheriff hath the *superfedeas* the party shall have Restitution in B. R. on the Indictment removed there, *Crompt.* 162. *supra* 55. & 164. *b. infra* 60. *Dalt.* 214, 215. cap. 84. 21 *Jac.* 8.

Restitution.

LVIII. *Crompt.* 163. The form of a Writ of Restitution granted by Justices of Assizes on a Verdit found before them in trespass on 8 H. 6. 9. § 3. N. 3. and yet the Statute speaks of an Indictment, which Writ of Restitution is directed to the Justices of Peace and Coroners of the County where Restitution should be made, 1 *Inst.* 257. *Dalt.* 208. cap. 80.

Rex Coronatoribus nostris in Com' S. ac custodibus pacis nostrae & Justiciar' nostris ad divers' felonias transgr' & alia Malefacta in eodem Com' audiend' & terminand' assignat' & eorumcui libet salutem Cum per quandam Juratam patriae inter H. C. Militem, & E. S. de M. & W. P. de &c. cap' apud A. in Comitatu predicto die Jovis proxime post Festum S. Barthol' Apostoli ultimum preterit. Coram R. B. & A. F. Justiciar' nostris ad Assizas in Com' predicto capiend' assignat' per form' Statut' in hujusmodi casu provisi compert' est quod predict' E. & W. die, Anno &c. in decem Messuagia &c. predicti H. cum pertinentiis in R. vi & armis ingressi sunt & ipsum inde vi & Armis ac manu forti adtunc & ibidem expulerunt & disseisiverunt & ipsum sic expulsum & disseisitum vi & armis usque diem inquisitionis predictae extratenuerunt prout in Curia nostra coram nobis plene liquet de Recordo unde predict' H. C. nobis supplicavit sibi de remedio in hac parte provideri: & quia volumus eidem H. fieri quod est Justum in hac parte, vobis precipimus quod vos aut aliqui vestrum ad hoc debite requisit' una cum Posse Comitatus illius si necesse fuerit accedatis ac Messuagium & cetera premissa ac Messuagia nementa illa cum pertinentiis reseisiri faciatis & predictum H. ad & in plenam possessionem suam inde prout ipse ante ingressum & Disseisinam predict' fuerat restitui & mitti faciatis juxta form' dicti Statuti de ingressionibus manu forti factis nuper editi & hoc nullatenus omittatis periculo incumbente Teste, &c. 20 H. 8. *Rot.* 22. *Rast. Intr.* 338.

Courts

LIX. *Crompt.* 164. A Forcible Entry was found before Justices of Oyer and Terminer, and the Record was sent in B. R. where he that was ousted, prayed to be restored, and this matter was debated before all the Justices of England in the Exchequer Chamber, and by their opinions they could not by their Commission of Oyer and Terminer, *ad inquirend' de omnibus transgr' & de omnibus aliis Articulis & Causis contra formam quorumcunque Statutorum fact' sive perpetrat.* Inquire of Forcible Entries, which was at another time granted in B. R. *Hill.* H. 8. by all the Court, as to this point in a like Case, 1 & 2 *Hen.* 8. *Kell.* 159. pl. otherwise it is of a Forcible Entry found before Justices of Peace, and removed in B. R. for there the Justices may make Restitution, which see there clearly by all the Justices aforesaid.

LX. *Crompt.* 164. *b.* If a man fear he shall be Indicted upon 8 H. 6. 9. *Certiorari*. and that thereupon Restitution shall be Awarded, he may have a *Certiorari* ready, and when the Bill of Indictment is found, he may deliver this presently to the Court, and this is a *superfedeas* to the Restitution, because that by this Writ the Indictment shall be removed, and tho that the Indictment be found after the Test of the Writ of *Certiorari*, it is not material for both are the Kings Courts 1 R. 3. 4. *accord*, &c.

LXI. *Crompt.* 164. *b.* Tender of a Traverse to an Indictment made on 8 H. 6. 9. is no *superfedeas* but only by discretion, for in strictness of Law, *Traverse*. whatever the Title of him that is ousted by force be, its not material, because the Statute is general, that he that is so ousted shall be restored, and this well appears by the Case of a Disseisor, who shall be restored against the Disseisee ousting him with Force, *Dyer* 122. *Lambert* 158. § 46.

LXII. *Crompton* 163. A Question was demanded of the Justices of both Benches by the Keeper of the Great Seal, if complaint be made at the Quarter Sessions to three Justices of Peace sitting there, of a Forcible Entry, and Forcible Deteyner of any Freehold by him that is Disseised, and a Bill or Presentment thereof is there found to be *contra form Statut* 8 H. 6. 9. and the said Justices thereupon grant a Writ of Restitution, Whether any other Justice of Peace who was absent from the Sessions may lawfully grant a *superfedeas* in this Case or not, and as it seemeth, if the Sessions were a special Sessions for this purpose, and the Justices to whom such complaint had been made, had repaired to the Force to have a View thereof according to the intent of the Statute, and afterwards they had inquired thereof, and found it, and thereupon had granted a Restitution, no other Justice could have granted a *superfedeas*, for no other Justice hath Authority by the said Statute 8 H. 6. 9. to grant Restitution, but only he or they before whom the Complaint and Force had been found, and the Writ shall be made under the Teste of one of them only; except the Justices *de Banco Regis*, who have Supream Authority, the King himself sitting there, as the Law intends, *Dyer* 187. *Lambert* 157. By this it seemeth that where the Indictment is found on the said Statute at the Quarter Sessions, that two Justices of the Peace who were not at the Sessions cannot grant a *superfedeas*: butt two of those who were at the Sessions may do it well enough, as I Collect by the opinion here: And I and another Justice of Peace granted a *superfedeas* of Restitution granted by other Justices of Peace who were at the same Sessions, because the Indictment was Erronious, and he that should have had Restitution, demanded of his Counsel if we did well, and he procured another Sessions, and no more was done upon our *superfedeas*, *Dalt.* 209. cap. 80. & 211. cap. 81. *Superfedeas*.

LXIII. *Crompt.* 165. *a. b.* Two are Indicted of a Forcible Entry and Deteyner, and upon the Traverses found, one entred, and another deteyn'd with Force, yet Restitution in this Case shall be Awarded, as in *Joynder*. *Acc. sur Stat.* 19 H. 6. *Entre* 17. *Raft. Entr.* 335. & 12 *Ed.* 4. 1.

LXIV. *Crompt.* 165. *b.* If a man be Indicted of a Forcible Entry, and the party puts in a traverse presently, whereupon Execution is stayed, and they do not prosecute the Traverse, *cum effectu*, but suffer this to be discontinued, and after tender another Traverse at another time, upon Restitution prayed, it seemeth that the Court may Award Execution, notwithstanding, as in the Case of a Writ of Error, &c. 13 *Ed.* 4. 4 & 6 H. 7. 16. *Traverses*. *Crompt.* 166.

LXV. *Crompt.* 165. *b.* It seemeth convenient upon a Bill on 8 H. 6. 9. preferred to shew the Evidence in full Court before the Jury, to the intent that it may appear to the Court, whether there be reasonable Cause to stay Restitution or not, if the Bill be found, *Dyer* 123. *pl. acc.* *Traverse*.

Traverse.

LXVI. *Crompt.* 166. He that tenders the Traverse in *B. R.* upon an Indictment of Forcible Entry, shall bear all the Charges of the Tryal, and not the King, nor he at whose Suit the Indictment is found, as it is said by the Clerks *de Banco Regis*, by the same reason it should be so of an Indictment Traverse before Justices of the Peace, *Costs Br. 4. Dalt.* 216. cap. 84. *infra* 78.

Justices.

LXVII. *Crompt.* 166. Three Justices sit upon an Inquisition of Forcible Entry, and one agrees that Restitution shall be made, and the others will not agree. *Quere* if one may award Restitution without the other, because 8 H. 6. 9. § 3. N. 2. gives power to one Justice to Inquire of Forcible Entries, and to make Restitution.

Prerog.

LXVIII. *Crompt.* 69. § 12. a Bill upon 8 H. 6. 9. § N. for the King is not good, for he cannot be Deisseised nor ousted of his freehold, because of his Prerogative *Br. 89.* and he shall not have an *Acc. sur Stat.* so 4 H. 7. 1. b. see 2 H. 4. *Prerog.* 12. *Coron.* 553. & 8 H. 4. 17. *Disseisor Er.* 16. 64. *Dalt.* 201. cap. 77.

Prerog.

LXIX. *Crompt.* 69. § 13. If the Kings termor be ousted with Force, he cannot prefer a Bill on 8 H. 6. 9. that he was ousted, and the King Disseised; for the King cannot be ousted of his Freehold, but he shall have an Information of Intrusion in the Exchequer, *Dalt.* 201. cap. 77. *Poul. de Pace* 39. b. § 24.

Outlawry.

LXX. *Crompt.* 68. b. § 8. Process of Outlawry lieth in an *Acc. sur Stat.* of 8 H. 6. 9. for it is *Quare vi & armis*, as was agreed 37 H. 6. 3. and so it seemeth to be upon an Indictment on the said Statute *infra*, § 77.

Prerog.

LXXI. *Dalt.* 201. cap. 77. Yet it seemeth that upon complaint made to the Justice of Peace by the Kings Termor of any such Force, the Justice of Peace may, nay ought to remove the Force, and upon his View thereof to Record it, and to commit the Offenders to Prison, and may Fine them, and after such Force removed, the Kings Termor may presently reenter, if he can in peaceable manner.

Chpihold.

LXXII. *Dalt.* 203. cap. 77. But howsoever the Law be taken for the Indictment or Restitution thereupon; yet in case that Lessee for years, Tenant at will, or a Copiholder be forcibly put out, or held out, either by a stranger, or by their Lessor, or Lord, the Justices of Peace, or any one of them, by 15 R. 2. 2. might safely remove the Force upon View thereof, and Commit the Offenders to Prison, and then the Lessee for years, or Copiholder, might presently reenter, if peaceably they could so do, and so might have his possession again without any Restitution made him by the Justices, *Crompt.* 71. § 45.

Restitution.

LXXIII. *Dalt.* 203. cap. 77. But now by the Statute 21 Jac. 15. such Judges, Justices, or Justice of Peace, as by reason of any Act or Acts of Parliament now in force, are Authorized and enabled upon Enquiry to give Restitution of Possession unto Tenants of any Estate of Freehold of their Lands or Tenements, which shall be Entred upon with Force, or from them withholden by Force, shall by reason of this present Act have the like and the same Authority and ability from henceforth upon Indictment of such Forcible Entries, or Forcible withholdings before them, duly found to give like Restitution of possession unto Tenants for term of years, Tenants by Copy of Court Roll, Guardians by Knights service, Tenants by Elegit, Statute Merchant, and Staple of Lands or Tenements, by them so holden, which shall be entred upon by Force, or holden from them by Force.



LXXIV. *Mi. h. 2 Car. 1. Latch.* 182. Widow *Stacyes* Case, one was Indicted on 21 *Jac.* 15. for entring into a house in *Cobham* in *Oxford* ad tunc existens liberum tenementum suum ad voluntatem Domini secundum consuetud' manerii &c. the party came into the Court, and being put out of possession upon this Indictment by one Justice of Peace, prayed Restitution, and it was granted to him by *Dodridge* and *Whitlock*, *Jones* absent, the reason was, because for any thing here shewed, the Widow may be Tenant by the Verge, and not by Copy, and the Statute shall not be taken by Equity, and therefore he that will have Restitution must pursue the words of the Statute: but *Dodridge* agreed, that if one hath a Widows Estate by Custome, after the death of her Husband Copiholder, she is within the Statute, because her Estate, is immediately by Copy.

LXXV. *Dalt.* 206. cap. 79. And by force of this Statute and proviso, Heir. 8 H. 6. § 7. N. 1. every Heir, and every Feoffee may justifie to keep their Houses and Possessions by Force, in case that themselves, or their Ancestors, or their Feoffors, or those whose Estate they have, have been in peaceable possession thereof, by the space of three years or more, *Kell.* 187. pl. *Lambert* 154. *supra* § 35.

LXXVI. *Crompt.* 166. It's found that J. S. Disseised me with Force, and by another Enquest taken at the same Sessions, its found that I am Disseised by A. B. with Force, I may Elect upon which of these Indictments I will be restored, and if I have Restitution against J. S. and this is Retorn'd, I shall not have Restitution upon the other: but tho I be in possession as to him, if upon the Writ of Restitution it be not Retorned that I have Restitution, I shall have Restitution against A. upon the other Verdit, if A. hath reentred upon the first Restitution given to me, by *Marrow Lect.* 9. *Quare*, for if a man Recovers in an Assize, and enters upon the Tenant, and he reenters, he that Recovers shall not have a *sc. fac.* to Execute the Judgment, 49 *Ed.* 3. 27. *Dalt.* 211. cap. 81.

LXXVII. *Crompt.* 150. b. Justices of Peace cannot Award a *Capias utlagatum*, Outlaw. but must certifie the Outlawry in B. R. as the Clerks of the same Court say, *supra*.

LXXVIII. *Dalt.* 216. cap. 84. But upon a Forcible Entry found, and a Traverse tendered, if the Justices of Peace will try the Traverse, it seemeth they ought to cause a new Jury to be Retorned by the Sheriff before them to try the same Traverse, the which may be done the next day, but not the same day, *Crompt.* 150, 152, 166. *Kell.* 159. b. pl. 2

LXXIX. *Dalt.* 407. cap. 133. But although the Justices of Peace have power, in some Cases, out of their General Sessions to take Indictments, and after such Indictment found, to Award Process *ad respondendum* against Offenders, and to hear and determine thereof: and the Offenders also have liberty to come in and to speak, and may answer for themselves, and may offer their Traverse; and that the Justices of Peace are to allow of, and to receive the same: yet *Quere* whether the Justices of Peace out of their General Sessions may try such Traverse, being tendered unto them, without which Tryal all the rest may seem Idle: or that upon the Traverse tendered, they must certifie or send the Inquisition or Indictment so found before them into B. R. or unto their Quarter or General Sessions of the Peace, there to be Tryed and Determined: howsoever, it is the safest after such Traverse tendered, to certifie or deliver such Inquisition or Indictment in B. R. or to their next Quarter Sessions, and so to refer the Tryal of the Traverse, and further proceedings therein to them, *Lambert* 158. *supra* *Dalt.* 6. cap. 22. *supra*.

Joyntenants.

LXXX. *Poult. de Pace* 39. § 23. If there be two Joyntenants, or Tenants in Common of certain Lands, and one of them doth expell and put forth the other out of possession of the Lands by force; he that is so expelled may have an Action of Trespass of Forcible Entry against his Companion that did so expell him upon 8 H. 6. 9. § N. for the words of the Writ may be verified, *Expulit & Disseisvit*, and thereupon he shall have a Writ of Restitution to restore him to his former Estate 8 Ed. 4. 9. 19. 22 Ed. 4. 10. or 20. F. N. B. 249. & 10 H. 7. 27. 18 H. 6. 5. But if one Joyntenant or Tenant in Common of Lands, do expell the other by Force out of the same Lands; he that is so expelled cannot maintain a Writ of Entry upon the Statute 5 R. 2. 7. against his Companion, that so put him forth, and suppose that he did enter into the same Lands, *ubi ingressus non datur per legem*; for that his Entry and possession in that Land is Lawfull through the whole Land in respect of his own moiety or Estate, &c. *Dalt.* 213, 214. cap. 83.

Restitution.

LXXXI. *Boult.* 125. cap. 29. § 34. After it shall be found by such Inquiry, that such Forcible Entry or Deteyner is made, the Justices of Peace may break open the House by Force to resist the same, and to put the party so put out in Possessions again and so may the Sheriff do, having the Justices Warrant: but § 36. the Justice of Peace may not in any wise make Restitution without such Inquiry first had, and such Force thereby found: and if the Justice shall make Restitution without Inquiry, it seemeth to be punishable in the Star-Chamber.

Process.

LXXXII. *Crompt.* 123. b. § 19. It seemeth that when the Justices shall Inquire on 8 H. 6. 9. § N. that they may make a Warrant to the Sheriff to Return Pannels to Inquire for the King of such things as shall be enjoined them on the Kings behalf, without saying to Inquire of Forcible Entry, or of any Riot, because 2 H. 5. 4. § N. is that they may hold their Sessions four times a year, and more often if need be.

Sessions.

LXXXIII. *Crompt.* 124. § 23. on 8 H. 6. 9. § N. of Forcible Entries, they must hold Sessions on complaint of the parties grieved within convenient time.

Church.

LXXXIV. *Crompt.* 73. If a man keep a Prebend with Force, the Encumbent shall have a Writ to the Sheriff.

## Forest.

*Warren, Coneys, Deerhays, Buckstalls, Ferrets, Hunting, Parks, Chaces, Coursing.*

Sessions.

I. 19 H. 7. 11. § 1. N. 9. That the Justices of the Peace in their Sessions, shall have Authority to call before them any persons suspected, &c. (*viz.* that having no Park, Chace, or Forrest, keep Deerhays or Buckstalls, &c.) and by their discretion to examine them in the premises, &c. *Lambert* 527. *Crompt.* 86. b.

Forfeiture.

II. 19 H. 7. 11. § 1. N. 11. And that those Justices that so Examined them, shall have the tenth part of the Forfeiture, &c. *Lambert* 617, 618.

III. *Crompt.* 86. *b.* Inquiry at Sessions of such who keep Dogs or Grey-hounds to hunt, or use Ferrets, Hayes, Nets, Harepipes, Cords, or other Engines to take wild Hares or Coneys, or other pleasures of Gentlemen, who cannot dispend xl.s. per Ann. of Frechold, &c. 13 *Rich.* 2. 13 *Lamb.* 440. 441. *Dalt.* 76. cap. 29.

IV. *Crompt.* 86. *b.* Inquiring if any Trace and Kill Hares in the Snow, Sessions. by any way, 24 *H.* 8. 10. 1 *Jac.* 27. *Lamb.* 441.

V. *Lambert* 440. Inquiry on 5 *Eliz.* 21. § 3. N. 1. If any person have unlawfully broken or destroyed the Head or Dam of any Pond, Mote, Stew, &c. or have wrongfully entred into any Park, or other Ground, before this Statute Inclosed, or after this Statute by likeness to be Inclosed and used for keeping of Deer, and have wrongfully hunted, drove out, hurt or killed any Deer there; or if any have unlawfully taken away any Hawk, or the Eggs of any Hawk, out of the Woods or Grounds of any other person, *Crompt.* 126. *b.*

VI. 144. *ib.* *Lamb.* If any person have Hawked, or with his Spaniel hunted, in any ground not being his own, where any Corn or Grain did then Grow, or before it was Shockt without consent, 11 *H.* 7. 17. & 23 *Eliz.* 10.

VII. *Lambert* 563. Against him that is convicted for the unlawfull taking or slaying of any Deer, or for such taking of any Hawk or Eggs contrary to 5 *Eliz.* 21. § 3. N. 1. the Justices must adjudge treble Damages, to the party grieved, three Months Imprisonment of the body of the Offender; and after that is expired, to find Sureties of his Good-Behaviour for 7 years after, or else to remain in Prison untill he shall find such Sureties during those seven years.

VIII. *Lambert* 118. It seemeth to me, &c. that all these Statutes, &c. (*viz.* 5 *Eliz.* 21.) have this one meaning, that a party so bound, may afterwards Forfeit his Recognizance, if he Eftsoons offend against the said Statutes.

IX. *Crompt.* 155. Nor can Justices of Peace Bail him that is committed, for taking Deer, Fish, Hawks, &c. of another against 5 *Eliz.* 21. § 3. N. 3.

X. *Crompt.* 184. A man is Indicted for hunting in a Park upon 5 *Eliz.* 21. § 3. N. 3. and confesseth the Indictment, and thereupon is Committed for three months, &c. according to the said Statute, and after he is in the Goal, the Under-Sheriff carryeth him to the house of the High-Sheriff, 20 miles from the Goal, and there the Sheriff kept him in Prison: It seemeth to some to be an Escape, for the Goal is the Kings Prison, and thither he shall be Awarded for causes touching the King, *tamen Quare* for *Marrow* sect. 7. held that he may make his Goal where he pleaseth, see *Flats Case Com.* 36. *Dalt.* 340. cap. 118.

XI. *Lambert.* 442. Enquiry if any person have sold or bought, to sell again any Deer, Hare, Partridge or Feasant not brought up in House, 1 *Jac.* 27. § 4.

XII. *Lambert* 442. Inquiry on 3 *Jac.* 13. § 2. N. 1. If any person have in the night time, or by day unlawfully broke or entred into any Park Impaled, or other several grounds Inclosed, used for the keeping of Deer or Coneys, and unlawfully have hunted, driven, or chased out, or taken, killed or slain any Deer or Coneys there, against the will of the Owners, Occupiers, or Possessors of the same, not having Lawfull Authority so to do.

XIII. *Dalt.* 75. cap. 29. Upon Information given to any Justice of Peace of the County where any unlawfull hunting of Deer or Coneys by night, with painted Faces, or other disguising in any Forest Park or Warren, shall be had of any person suspected thereof, that the Justice may make a



Warrant to the Sheriff, Conſtable, Bayliſſ, or other Officer, to take the party, and to bring him before him, or before any other Juſtice of Peace of the ſame County, who may examine him of that hunting, and of the doers thereof, and if he conceal that hunting, or any offender with him therein, then the ſame concealment ſhall be Felony in ſuch Concealer, (*Quære* if they kill nothing) But if he then confeſs the truth of all that he ſhall be examined of and knoweth in that behalf, then his offence of hunting ſhall be but Treſpaſs, and Finable, the Fine to be aſſeſſed at the next General Seſſions of the Peace by the Juſtices there, 1 H. 7. 7. § N.

XIV. *Dalt.* 75. cap. 29. And to diſobey ſuch a Warrant, or to make Reſcouſ thereupon, ſo that the Execution of the ſame Warrant thereby be not had, it is Felony, 1 H. 7. 7. § N.

XV. *Dalt.* 75, 76. cap. 29. The Juſtice of Peace that ſhall take the Examination of the Offender for unlawfull hunting in Parks, &c. may after ſuch Examination, bind the Offender to his Good-behaviour, as it ſeemeth, to the end he may be forth coming, till the offence and reſidue of the offenders be fully examined; otherwiſe, if it ſhall after appear, that the offender hath concealed any thing whereby the offence becometh Felony, then the offender perhaps will not be found, 1 H. 7. 7. § N.

XVI. *Dalt.* 76. cap. 29. There be divers other Statutes made againſt Hunting, &c. which be very penal, but not to be dealt withal by the Juſtices of Peace, except at their General Seſſions.

XVII. *Lambert Precedents* 11 pl. 30. An Indictment for Hunting by night in a Park, and for concealing the ſame, 5 *Eliz.* 21 § 3. N. 1. *Weſt. Symb.* 2. part 110. e. § 126.

*Kanc. ff.*

Juratores pro Domino Rege ſupra ſacramentum ſuum preſentant quod ſecundo die *Auguſti* Anno Regni &c. inter horas 10 & 11 in nocte ejusdem diei, *A. B. de C.* in dicto Com' Generoſus *D. E. & G. de F.* in dicto Com' Husbandman aggregatis ſibi nonnullis aliis malefactoribus ignotis ad numerum ſex perſonarum vi & armis *viz.* perlongis Baculis Arcubaliſtis & Sagittis clauſum & parcum dicti Domini Regis noſtri apud *O.* in dicto Comitatu fregerunt & intraverunt & unum par Damarum dicti Domini Regis Anglice vocat' a *Brace of Bucks* in dicto parco adtunc & ibidem depaſcent & invent' illegitime venati ſunt ac cum duabus Sagittis ex dictis Arcubaliſtis emiſſis & Sagittatis adtunc & ibidem occiderunt & aſportaverunt contra pacem dicti Domini Regis: ac quod poſtea die ſequenti, *viz.* tertio die dicti menſis *Auguſti* Anno ſupradicto *T. S.* tunc Parcarius dicti Domini Regis dicti ſui Parci de *O.* predict' in Com' predict' Informavit apud *C.* predictum *T. W.* unum Juſticiariorum pacis dicti Domini Regis in Com' predict' de illicita venatione predict' modo & forma predictis facta, Qui quidem Juſticiarius ſuperinde Warrantum ſuum in ſcriptis poſtea, *viz.* dicto tertio die *Auguſti* Anno ſupradicto direxit cuidem *K. M.* uni Conſtabulariorum Hundredi de *S.* in Com' predict' in quo quidem Hundredo Sitæ ſunt predictæ villæ de *C. & F.* eo tenore ut idem Conſtabularius arreſtaret prenominatos *A. B. D. E. & G. H.* ac eoſdem coram eodem Juſticiario duceret & haberet ad eos de dicta illicita venatione examinand' & quod dicti *A. B. de & G. H.* poſtea ſcil. dicto tertio die *Auguſti* Anno ſupradicto coram dicto Juſticiario apud *C.* predict' in Com' predict' per Conſtabularium predict' virtute dicti Warranti adducti ac per eundem Juſticiarium per ſuam diſcretionem de dicta illicita venatione & de factoribus in ea parte examinati exiſtentes predict' tamen venationem voluntarie & felonice concealverunt & eorum quilibet voluntarie & felonice concealavit contra pacem dicti Domini Regis Coronam & Dignitatem ſuas necnon contra formam cujuſdam Statuti in Parliament' Domini Henrici 7. tent' Anno Regni ſui primo in hujusmodi Caſu proviſi a Editi, 1 H. 7. 7. §. 1. N. 3.

XVIII.

XVIII. *Lamberts Precedents* 19. pl. 52. An Indictment for Hunting Coneyes on 13 *Rich.* 2. 13. § 1. N. 2. *West. Symb.* 2. part 111. b. sect, 129.

*Kanc. ff.* Juratores pro Domino Rege super sacramentum presentant quod *A.B. de C.* in dicto Com' Laborer Homo laicus existens a Festo Sancti Bartholomei Apostoli Anno Regni &c. continuand' usque in hunc presentem diem (*scil.* 11. die Sept. &c. Anno &c.) apud *C.* predict' in Com' predict' habuit & custodivit unum Canem Grecum Anglice vocat' a *Greyhound* ad venand' & Chaceand' Lepores & Cuniculos, & quod idem *A. B.* 28 die mensis *August.* Anno supradict' unum Cuniculum valoris 4 *d.* in quodam claufo *J. S. de C.* predict' in dicto Comitatu Generosi vocat' *the Cynygoth* infra Parochiam de *C.* predict' in dicto Com' existent' cum dicto Cane venatus est, & occidit ubi idem *A. B.* nunquam habuit terras aut tenementa ad clarum Annuum valorem xl. *s.* in dicti Domini Regis contempt' ac contra form' cujusdam Statut' in Parliament' Domini Richardi olim Regis Angliæ secundi tento Anno Regni sui xiii in hoc casu provisi ac editi *West. Symb.* 2. part 147. § 298.

XIX. *Crompt.* 256. pl. 80. *Crompt.* 256. b. pl. 80. An Indictment for unlawfull Hunting in any ones Park, *West. Symb.* 111. § 6. 127.

Inquiratur pro Domino Rege si *E. P. de C.* in Com' predict' Generosus *Staff. ff.* *H. P. de C. &c. & R. B. de C. &c.* 30 die *August.* Anno Regni &c. Circa horam 12. in nocte ejusdem diei, aggregatis sibi quam plurimis aliis malefactoribus & Pacis dicti Domini Regis perturbatoribus ignot' vi & Armis, videlicet Baculis ferro munit' arcubus sagittis &c. aliis armis tam invasivis q. defensivis clausum & Parcum *Eliz. P.* viduæ apud *H. sancti Gregorii* in Com' predict' injuste fregerunt & intraverunt & Damas ipsius *Eliz.* adtunc & ibidem in parco predict' cubantes & depascentes cum tribus Canibus vocat' *Greyhounds* & uno reti vocat' a *Buckstall* quod in parco predicto retinuer' injuste venati sunt & Chaceaverunt & unum Damam vocat' a *Buck*, adtunc & ibidem cum canibus predict' Riotose ceperunt & occiderunt & asportaverunt contra pacem dicti Domini Regis ad Grave Damnum ipsius *Eliz.* & contra form' Statuti in hujusmodi Casu editi & provisi.

XX. *Crompt.* 256, 257. pl. 81. alio modo *West. Symb.* 2. part 111. § 128 13 *Rich.* 2. 13 § 1. N. 2.

Inquiratur pro Domino Rege si *R. M.* nuper de *O.* in Com' predict' Yeoman *R. P.* nuper de *P.* &c. 19 die *August.* Anno Regni &c. Forestam dicti Domini Regis de *M.* in Com' predict' fregerunt & intraverunt & unum Damam vocat' a *Buck* ad valent' x *s.* adtunc & ibidem invent' sine licentia & voluntate dicti Domini Regis cum Cane Leporario vocat' a *Greyhound*, fugaverunt & chaceaverunt & dictum Damam apud *R.* infra precinct' forestæ predict' cum funibus Anglice vocat' *Halters* suspenderunt & occiderunt & ipsum Damam sic suspens' & occisum injuste ceperunt & asportaverunt contra pacem dicti Domini Regis, &c.

\* XXI. *Kilb. Precedents* 130. A Warrant to levy 20 *l.* for Stealing Deer, on 13 *Car.* 2. 10, § 1. N. 2.

*To the Constable and Borshoulders of the Hundred of A. in the said County, and to every of them.*

*Kent ff.*

Forasmuch as it hath been duely proved before me, that *A. B.* of *C.* in the said County, hath unlawfully coursed (killed, hunted, or taken away) one Fallow (or Red) Deer in the Forest (*Chace Parliow, Paddock, Wood, Park* or other ground, where Deer are, or have been usually kept) of *E. F.* against the Form of the Statute in that Case made and provided; These are therefore in his Majesties Name to will and require you, and every of you, that you, some or one of you, do levy by way of Distress, upon the Goods and Chattels of the said *A. B.* the Sum of 20 *l.* by him Forfeited for the offence aforesaid: the one moiety thereof to the use of *C. D.* who Informeth of the said offence, and the other moiety to the use of the said *E. F.* owner of the Deer aforesaid, and in case of want of sufficient distress that you certifie me thereof forthwith. Given under my Hand and Seal this Second day of May, *An. 1679. Anno Regni, &c. 31.*

XXII. *Kilb. Precedents 131.* A Warrant against a person not able to pay *&c. 13 Car. 2. 10, § 1. N. 5.* to the House of Correction.

*To the Constable and Borshoulders of the Hundred of A. in the said County, and to every of them, and to the Keeper of the House of Correction for the said County at B. in the County aforesaid.*

*Kanc. ff.* Whereas by my Warrant, you the said Constable and Borshoulders were lately required to levy by way of Distress of the Goods and Chattels of *A. B.* of *C.* the Sum of 20 *l.* by him forfeited for an offence by him lately committed against the form of the Statute made in the 13th year of his now Majesties Reign, intituled *An Act to prevent the unlawfull Coursing, Hunting, or Killing of Deer*, and you the said Constable have Returned unto me thereupon, that the said *A. B.* hath not sufficient Distress to be taken for the Moneys aforesaid: These are therefore in his Majesties Name, to will and require you the said Constable and Borshoulders, and every of you, that you, some or one of you, do take the said *A. B.* and him safely convey to the aforesaid House of Correction, and to deliver him to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said House, and there deteyn and put him to hard Labor, for six Months, hereof fail you not, at your Perils. Given under my hand and Seal the 8 day of *&c. Anno Regni, &c.*

XXIII. *Kilb. Precedents 132.* A *Mittimus* to the Common Goal for want of Distress, *&c. on 13 Car. 2. 10. § 1. N. 5.*

*To the Constable, &c. and to the Keeper of the Goal, &c.*

*Kent. ff.* Whereas, *&c. ut supra*, These are therefore in his Majesties Name, to will and require you the said Constable and Borshoulders, and every of you, that you, some, or one of you, do take the said *A. B.* and and him safely convey to the Goal aforesaid, and deliver him to the aforesaid Keeper of the same, together with this Precept; Requiring also you the said Keeper, to receive him into the said Goal, and him there safely to keep for the space of one whole year without Bayl or Mainprife: And further, untill he hath given sufficient Security for his Good-Behaviour for one whole year next ensuing after his Enlargement, hereof fail not at your Perils. Given under my Hand and Seal the 10th day of *&c. An. &c.*

XXIV.



XXIV. *Kilb. Precedents* 171. A Warrant to search for Setting Dogs, Guns, Greyhounds, &c. on 22 & 23 *Car.* 2, 25.

*To the Constable, &c.*

*Kent ss.* By vertue of an Act of Parliament in that behalf lately made, &c. These are therefore in his Majesties Name to Authorize and command you, and every of you, in the day time, to search the Houses, out-houses, or other places of any person or persons within the said Hundred, other then of such person as hath Lands and Tenements, or some other Estate of inheritance in his own or his Wives right, of the clear yearly value of one Hundred pounds per *Annum*, or for term of Life, or which hath a Lease or Leases of Ninety nine years, or for any longer Term, of the clear yearly value of one hundred and fifty pounds, or which is the Son and Heir apparent of an Esq; or other person of higher degree, or which are owners or Keepers of Forests, Parks, Chaces, or Warrens, being stocked with Deer or Coneys for their necessary use, in respect of the said Forests, Parks, Chaces, or Warrens, as upon good grounds shall be suspected to have or keep in his or their Custody, any Guns, Bows, Greyhounds, Setting Dogs, Ferrets, Cony Dogs, or other Dogs to destroy Hares or Coneys, Hayes, Tramels, or other Nets, Lowbells, Harepipes, Snares or other Engines for the taking and killing of Coneys, Hares, Pheasants, Partridges, or other Game; and such Guns, Bows, Greyhounds, Setting Dogs, Ferrets, Cony Dogs, or other such Dogs as aforesaid, Hayes, Tramels, or other Nets, Lowbells, Harepipes, Snares, or other Engines aforesaid, as you or any of you shall so find, to seise, detain and keep, to and for the use of the Lord of the Mannor or Royalty, where the same shall be so found or taken, or otherwise to cut in pieces or destroy, as things by the said Act prohibited to be kept by persons of their degree, and what you shall do in the premises, you shall make known unto me, with all convenient speed, hereof fail not at your Perils. Given under my Hand and Seal at &c. the 10th day of &c.

2. This may be directed to any special person or persons, as well as to the Officers.

XXV. *Praët. Precedents* 162, 163. An Indictment for Hunting in a Park, and using a Net to take Deer on 13 *Car.* 2. cap. 10.

*Hertford ss.* Juratores pro Domino Rege supra sacramentum suum presentant quod R. F. de D. in Com' H. Yeoman &c. 13 die Novembr. An. Regni, &c. Circa horam undecimam in nocte ejusdem diei aggregat' sibi quamplurimis aliis malefactoribus & pacis dicti Domini Regis perturbatoribus ignotis vi & armis, viz. Gladiis &c. clausum & parcum cujusdam P. L. Armigeri apud F. in Com' predict' injuste fregerunt & intraverunt & Damas ipsius F. adtunc & ibidem in parco predicto cubant' & depascent' cum duobus Canibus Leporariis Angl' vocat' Greyhounds, & uno rete vocat' a Buckstall, quod in parco predicto tenuerunt injuste venati sunt & Chaceaverunt & unam Damam adtunc & ibidem cum Canibus predictis riotose ceperunt & asportaverunt contra pacem dicti Domini Regis Coronam & dignitatem suas ad Grave Damnum ipsius F. & contra form' Statut' in hujusmod' casu edit' & provisi.

*Forestallers* see *Market-overt*.

### Forfeitures.

I. 18 H. 6. 11. §. 1. N. 4. And if the Justice of Peace that hath not 20 l. *per Annum* give not knowledge thereof to the Chancellor within a Month after he hath notice of being in Commission, or if he Sit or make any Warrant or Precept by force of such Commission, he shall incur the penalty of 20 l. and nevertheless be put out of the Commission, *Lambert* 28. 31. & *Crompt.* 122. § 37.

II. 5 Eliz. 13. § 8. N. 3. Justice of Peace Forfeits 100 l. not certifying Presentments of defaults of High-ways, at the next General Sessions.

III. 1 Jac. 9. § N. Is 40 s. of Constable omitting his Duty.

IV. 3 Jac. 4. § 5. N. Is 20 s. of Constable not presenting Recusant, and 40 s. by Clerk of the Peace not Enttring it.

V. 3 Jac. 4. § 8. N. Is 20 l. every Month of Recusancy.

VI. *Lambert* 2. cap. 2. pag. 111. Whether the Recognizance for the Peace be at the Suit of A. or by the meer motion of the Justices in the behalf of A. the King cannot release or pardon it before it be Forfeited, &c. but being once Forfeited, then he and none other may pardon the Forfeiture.

VII. *Lambert* 127. Menacing, Affrays, Assaults, &c. be breaches of the Peace, and do draw after them the Forfeiture of a Recognizance knowned for the keeping of the Peace.

VIII. But what this Process, (*viz.* on 5 & 6 Ed. 6. 25. §. N. against Alehouse-Keepers on Forfeit of Recognizance) shall be, I will not determine; for I do not find that in any other Case, though it appear that a man hath Forfeited his Recognizance, the Justices of Peace can Award any *seire fac'* or other Process, to call him in upon it, but rather to certify the same into higher Courts, that from thence Process may issue out to call the party to answer, *Lambert* 56.

IX. *Lambert* 569. 570. I have heard that even in Cases where the Statutes do appoint a certain Forfeiture as 5 l. &c. yet the practice is to mitigate the same by discretion, if so be that the party will come in upon the Indictment, and put himself in *Gratiam Regis*, with or without confession of the fault, &c. so that the Fine shall be small where the fault was great, and the penalty of the Law it self not small: But this manner of doing in my mind is so void of sound Reason, that I cannot recommend it to the Justices of Peace, but do rather condemn it as a mockery of the Law, against which practice 17 Ed. 4. 4. § N. of Tyles, 33 H. 8. 6. § N. of Crossbows, 5 & 6 Ed. 6. 25. § N. of Alehouses are made, that Justices shall not assess less, &c.

*Forgery.*

Forgery.

Collusion.

I. *Crompt.* 56. b. The Justices of Peace cannot Inquire of Forging of Justices: Deeds, Escripts, &c. the second time, which is Felony by 5 *Eliz.* 14 § 7. N. 1. Inasmuch as they have not the first Record whereby he was attained of the first Forgery, nor of this first act, they cannot Inquire by 5 *Eliz.* 14. § 10. N. 1. *Poult. de Pace* 44. b. § 9. *Lambert* 540. *Dalt.* (276.) cap. 107.

II. *Dalt.* 51, 52. cap. 20. Whereas one *R. Smith* was Indicted at the Sessions of Peace in the County of *Oxford*, upon 5 *Eliz.* 14. § 7. N. 1. for Forging of a False Deed, it was adjudged by the whole Court in the Kings Bench, *Ann.* 30 *Eliz.* that the same Indictment was not well taken; for although the Justices of Peace by their Commissions, have power of Oyer and Terminer, to hear and determine in Felonies and Trespasses, and have in their said Commission an express clause, *ad audiend' & terminand'*, and so are Justices of Oier & Terminer, yet it was resolved by the Court, that forasmuch as there is a Commission of Oier and Terminer known distinctly by that name, and the Commission of Peace is known distinctly by another name, that the said Indictment taken before Justices of Peace at their Sessions was not well taken (by 5 *Eliz.* 14. § 10. N. 1.) and therefore it was quashed, *Crompt.* 120. b. § 7. Coron.

III. *Lambert* 4. cap. 4. pag. 436. Inquiry on 33 *H. 8.* 1. § 2. N. 1. If any person have falsely and deceitfully gotten into his possession any money or any other things, of any other mans, by colour of false Privy tokens, or of counterfeit Letters in anothers name, *Crompt.* 83. Collusion.

IV. *Lambert* 4. cap. 11. pag. 527. The users of false tokens, or counterfeit Letters may be tryed out by the Examination of Witnesses, 33 *H. 8.* 1. § 2. N. 1.

V. *Lambert* 4. cap. 15. pag. 561. He that is orderly convicted before them in their General Sessions of the deceitfull getting of any Goods into his hands, by means of any false token, or Counterfeit Letter made in the name of any other, may be adjudged by them to suffer Imprisonment, standing on the Pillory, or any other Corporal pain that they shall appoint, except the pains of Death, 33 *H. 8.* 1. § 2. N. 2. *Lambert* 569. *Poult. de Pace* 47. b. § 25.

VI. *Lambert* 600, & 601. Such as be suspected of using Counterfeit Tokens or Letters may be called by Process to the next General Sessions, and must be convicted there, *Crompt.* 125. *Dalt.* 47. cap. 17.

VII. *West. Symb.* 2. part 108. b. § 119. An Indictment of Forging a Bargain and Sale on 5 *Eliz.* 14. *Crompt.* 258. pl. 86. *Pract. Preced.* 160

*Effex ff.* Inquiratur pro Domini Rege &c. quod cum in Statut' in Parliament' Domine *Eliz.* nuper Reg. Angl. apud Westm. in Com' Mid'sex Anno Regni sui quinto tent' edit' &c. quod si aliqua persona five personæ quæcunque post primum diem Junii tunc proxime sequent' ex sua propria mente & imaginatione seu per falsam conspirat' & fraudem cum aliis scienter subtiliter & falso fabricaret five faceret five subtiliter causaret, seu scienter consentiret fabricari five fieri aliquid falsum factum, Chartam seu scriptum sigillat' Rotulos Curie aut Testament' alicujus personæ five personarum in scriptis ea intentione quod sit' tus liberi tenementi seu hereditatis alicujus



alicujus personæ sive personarum de in aut ad aliqua terras tenement' seu hereditament' libera teauræ aut customar' vel rectum titulus sive interesse alicujus personæ sive personarum de in vel ad eadem sive aliquid eorum molestari perturbari destrui Recuperari vel onerari poterit aut contingeret aut post predict' primum diem Junii pronuntiaret publicaret seu ostenderet in evidentiis aliquid tale falsum & fictum Factum Chartam script' Rot' Curia aut testament' tanquam vera sciens eadem facta falsa ac ficta ut prefertur ad intentionem supramentionat' & inde foret convictus aut super aliquam actionem sive actiones fabricandi falsa facta super hoc Statut' fundand' ad sectam partis gravatæ vel aliter secundum ordinem & debitum cursum legum hujus Regni Angl. aut super Billam vel informat' in Curia Camera Stellat' exhibend' juxta ordinem & usum Curia illius solveret parti gravatæ custagia & Damna sua ad duplum inveniend' seu assidend' in Curia ubi hujusmodi convictio foret ac etiam statueretur super collistrigium in aliqua aperta villa mercatoria aut alio loco aperto & ibidem haberet Ambas aures suas abscissas ac nares suas interscissat' & in partes diversas & ferro igneo cauterisatas sic quod remanere possent pro perpetua nota & signo falsitatis suæ & foris faceret Domino Regi heredibus & successoribus suis integra exitus & proficua terrarum & tenem' suorum durante vita sua ac etiam sufferet & haberet perpetuum Imprisonament' durante vita ipsius predict' Damnis & Custagiis recuperand' ad sectam partis gravatæ (ut prefertur) primo solvendis & levand' de Bonis & Catallis offendentis & de exitibus & proficuis dictarum terrarum tenement' & hereditament' hujusmodi partis convict' aut unius seu utriusque eorum predicto titulo dicti Domini Regis hered' vel successorum suorum ad eand' non obstante prout in eodem Statuto inter alia plenius liquet.

Quidem tamen *T. M.* de *C.* in *Com' E.* predict' Cleric' Statutum predict' non ponderans nec pœnam in eodem content' verens post predict' primum diem Junii, scil. &c. Apud *T.* in *Com' E.* predict' ex sua propria mente & falsa imaginatione conspiratione & Coruna quoddam falsum factum, viz. quandam indent' per quam quidem *T. A.* Barganizaret & venderet omnes illas terras & tenement' vocat' &c. cum pertinentiis in *T.* in *Com' E.* predict' cuidam *J. S.* scienter subtiliter & falso fabricavit & fecit & eand' Indentur tunc & ibidem pronuntiavit publicavit & legi fecit & in evidentiis ostendit, ad molestand' destruend' & perturband' Statum possessionem titulum & interesse predict' *T. B.* in terris & tenement' predict' per quod idem *T. B.* de possessione titulo & interesse suis ad tenement' predict' cum pertinentiis multipliciter pregravat' & vexat' existit in dicti Domini Regis legisque suæ contempt' manifest' & ipsius *T.* Damnum non modicum & Gravamen ac contra form' Statut' predict' &c.

VIII. *West. Symb.* 2. part 108. § 118. An Indictment of Counterfeiting Letters Patents of Protection, &c.

*Middlesex ff.* Juratores pro Domino Rege supra sacramentum suum presentant quod *R. D.* nuper de *H.* in *Com' E.* predict' Husbandman, & alii machinantes quomodo populum Domini Regis nunc subtilissime poterint decipere vel defraudare & Dominum Regem de Hiis quæ ad ipsum Regem pertinent & regalia sua ut de feodo magni sigilli & hujusmodi exheredare, & veram legem Angl. a toto tempore usitat' & approbat' subvertere & adnullare 16 die Februar' Anno Regni &c. apud *T.* in *Com' Mid'sex* deceptive falso & proditorie quasdam falsas literas patentes ad similitudinem script' Cancellar' Domini Regis contra fecerunt quasi essent literæ patentes de protectione ipsius Regis contrafecit quasi essent literæ patentes de protectione ipsius Regis sub nomine *J. K.* Clerici Hanaperii Domini Regis ac unius Clericorum Cancellariæ predict' & script' hunc tenorem continent, viz. Carolus secundus, &c. (*Reciting th Letters Patents verbatim*) ac cum idem

R.B. & alii &c. dictas falsas literas patent' sic ut permittitur contrafecissent non habentes magnum Sigillum Domini Regis deceptivo falso & proditorie machinant' qualiter ipsi falsas & fictas Literas Patentes hujusmodi subtilius poterant sigillare & magnum sigillum Domini Regis contra facere dict' 16 die Febr. Ann. supradict' apud B. in Com' predict' quoddam magnum sigillum Domini Regis supra quasdam patent' ipsius Domini Regis preante pendent' & debite impositum acceperunt assumentes sibi regiam potestatem & ipsum Regem regali sua Autoritate quantum in eis fuit privand' adtunc & ibidem cum quodam cultello Arripuerunt & illis dictis falsis fictis & contrafact' Literis Patent' deceptivo & proditorie Apposuerunt & Annexerunt; & easdem literas sigillaverunt sigillum illud subtiliter rescindendo quasi sic non fecissent & sic magnum sigillum Domini Regis adtunc & ibidem proditorie contrafecerunt & cum premissa sic fecissent dictas falsas & contrafactas Literas Patent' Ac ut predict' est sigillat' 8 die Martii Anno &c. apud Villam de S. in Com' Mid'sex ac in diversis locis ejusdem Comitatus tanquam Literas Patentes ipsius Domini Regis de protect' deceptorie falso & proditorie publicaverunt & diversas pecuniarum summas de diversis ligeis Domini Regis receperunt virtute dictarum falsarum fictarum & contrafactarum Literarum Patent' in deception' Domini Regis ac populi sui prejudicium & exheredat' manifestum, &c.

IX. *Pract. Precedents, &c.* 49. An Indictment for Counterfeiting the Seal of the Arches.

## Fowl.

*Hawks, Fesants, Birds, Crows, Poultry.*

I. *Lambert* 4. cap. 4 pag. 440. Inquiry at Sessions, if any person have <sup>Forest.</sup> taken, or caused to be taken, upon his own or other mens ground, the Eggs of any Falcon, Goshawke, Lanner or Swan, or have taken any Eyrer Falcon or Goshawke, Tarcel, Lanner, or Lanneret, or have purposely driven them out their Coverts, or have Borne any Hawk of the Breed of *England*, called an Niesse, Gosschawke, Tassell; Lanner or Lanneret, 11 H. 7. 17. § 1. N. 2.

II. *Lambert* 441. If any person whatsoever have taken or killed any <sup>License.</sup> Pheasant or Partridge, with any manner of Net or other devise whatsoever, upon the Freehold of any other, without special License, or in the night time (except it were unwillingly) by Lowbelling or Tramelling, who also did then and there presently let them go again, &c. 11 H. 7. 17. § 1. N. 2. & 23 Eliz. 10. § 2. N. 1. *Crompt.* 77. a. 124. b.

III. *Lambert* 442. Inquiry on 1 *Fac.* 27. § 4. N. 1. If any person hath <sup>Market overt.</sup> Sold, or hath Bought to Sell again any Partridge, Feasant, &c. not bred up in house.

IV. *Lambert* 198, 199. Every Justice of Peace may examine Offences <sup>Justices.</sup> against the Statute made 23 Eliz. 10. § 5. N. 1. for preservation of Pheasants and Partridges, &c. If the same Offences be not before Lawfully heard or determined otherwise, and may take Bond of the Offender with good Sureties for his Appearance at the next General Sessions of the Peace to answer the said Offence, and to pay the penalty, and to receive the punishment due therefore, and may also after Conviction and punishment of such Offender, &c. take like Bond of him and Sureties, that for the space of two years, he shall not Offend against the said Statute. *Crompt.* 195. § 8. & 196. b. § 16.

V. *Lambert* 441, 442. Inquiry at Sessions 1 *Jac.* 27. § 2. N. 1. If any person have shot at, killed or destroyed any Feasant, Partridge, House-dove or Pidgeon, Hen, Mallard, Duck, Teal, Wigeon, Gouse, Heathcock, Moregame, or any such Fowl; or have taken, killed, or destroyed any Feasant, Partridge, Housedove or Pidgeon, with Setting Dogs and Nets, or other Engine; or have taken Eggs of any Fesant, Pratrige or Swans, or willingly destroy'd the same in the Nets, &c. *Crompt.* 88. a. b. 89. *Toph.* 141, 142.

VI. *Kilb. Precedents* 170. A Warrant to search for Nets and Setting Dogs, on 7 *Jac.* 11.

*To the Constable, &c.*

*Kent ff.* By Virtue of an Act of Parliament in that behalf made, &c. These are therefore in his Majesties Name, to Authorize and Command you, and every of you, to enter into, and search the house or houses of any person or persons within the said Hundred, other then such person or persons which have free Warren, or is Lord of a Mannor, or is such Freeholder, which is Seised in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments, to the clear yearly value of 40*l.* or more by the year over and above all Charges and Reprises of some Estate of Inheritance, or of Lands, Tenements, or Hereditaments, in his own Right, or in the Right of his Wife for Term of Life or Lives, of the yearly value of threescore pounds over and above all charges and reprises, or which is worth in Goods and Chattels four Hundred pounds, suspected to have Setting Dogs or Nets for the taking of Pheasants or Partridges, and that wheresoever you or any of you shall find any such Setting Dog or Nets, the same you take, carry away, and detein, kill, destroy and cut in pieces, as things prohibited by the Act aforesaid, and forfeited to such of you as shall find out and take the same as aforesaid, hereof fail not at your perils. Given under our Hands and Seals at *M.* in the said County, the day of, &c. *Anno, &c.*

VII. *West. symb.* 2. part 120. b. § 162. An Indictment for taking Pheasants and Partridge with Nets, &c. contrary to 11 *H.* 7. cap. 17. *Frab. Precedents* 67.

*Essex. ff.* Juratores pro Domino Rege supra sacramentum suum presentant quod *W. G. de S.* in dicto Com' *E.* Laborer, circiter horam 10 ante meridiem 20 die *Aug.* Anno Regni, &c. In quodam loco infra Paroch, de *S.* predict' in Com' *E.* predict' vulgariter vocat' *the Wheat Field* qui quidem locus tunc fuit & adhuc est liberum tenement' *A. B. de S.* predict' in Com' *E.* predict' Gen' (nec unquam fuit in, aut de Warrenna ipsius *W. G.* propria) duos Phasianos & decem Perdices cum quibusdam reticulis & aliis Ingeniis (valoris duorum solidorum) tunc ibidem cepit occidit & asportavit, sine aliquibus Assensu Agreemento aut speciali licentia dicti *A. B.* in hac parte habitis aut obtentis in dicti Domini Regis nunc contemptum ac contra form' cujusdem Statut' in Parliament' Domini Henrici nuper Regis Angl' septimi tent' Anno Regni sui 11 in hujusmodi casu provisi ac editi.

*Fraud.*



*Fraud see Collusion.*

*Franchise.*

*Liberties, Bayly, Sheriffs.*

I. 42 Ed. 3. 9. § 1. N. 6. Estreats of the Green Wax shall not be doubled Green Wax. by the Sheriffs, but the Copy of the Estreats wherein they touch the Franchises of Lords shall be delivered to the Bayliffs of the Franchises under the Seal of the Sheriff, and that the same Bayliffs shall yeild their account in the Exchequer, by the same Copies so delivered.

II. 27. H. 8. 24. § 9. N. 2. And that the Amerciaments for insufficient Amerciament. Retorns of Writs, or their Procefs made by Stewards or Bayliffs of Liberties or Franchises having Retorns of Writs, and Execution of the same, shall be put and set upon the heads of such Stewards or Bayliffs, and not upon the Sheriffs.

III. 8 H. 6. 9. § 5. N. 1. Justices of Peace shall Inquire of, and determine Justices. defaults of Sheriffs and Bayliffs, on Forcible Entries.

IV. 27 H. 8. 24. § 17. N. 1. That no persons within the Liberties shall be Appearance. hereafter in no wise compelled to appear out of the said Liberties, before any other Justice &c. then before such as shall be named and assigned to sit, and be by the Kings Highness, his Heirs and Successors, within the said Liberties, &c. *Lambert* 46, 47.

V. 7 Eliz. 7. § 3. N. 1. Justices, &c. to determine of Baliffs, &c. in Re- Enquest. torn of Jurors.

VI. *Crompt.* 80. No Justice of Peace of the County shall intermeddle Justices. in any City, Burrough, or Vill Corporate for Execution of 39 Eliz. 16. of Malting, unless he be a Justice of Peace in the same City, &c. *Lambert* 46, 47. *Crompt.* 8. a. b. *Dalt.* 23. cap. 6.

VII. *Lambert* 69. And forasmuch as some Cities and Corporate Towns Justices. found themselves grieved with the Law, &c. it was specially ordained by 2 & 3 Phil. & Mar. 18. § 2. N. 1. that a Commission of the Peace and Goal Delivery, made to a City, or Corporate Town, not being a Country by it self, should not be determined by the making of such another Commission afterwards to any of the Shire, Lath, Rape, or Wapentake, in which that City or Town standeth.

*Fresh Suit.*

*Hue and Cry, Watch, Escape, Coron.*

I. *Lambert* 2 cap. 3. pag. 134. If he that maketh an affray do flie into Affray. a House when the Justice of Peace or Constable cometh to Arrest him, they may also in Fresh Suit break open the doors and take him by Warrant, or if he flie thence, they may make Fresh Suit and Arrest him, tho it be in another County, by the opinion of some men, 13 Ed. 4. 9.

II. *Lambert* 2 cap. 7. pag. 200. No person shall after that he shall be Acc. S. Stat. Robbed bring any Action upon any the Statutes of Hue and Cry, except he shall first within 20 days next before such Action brought, be examined upon his Corporal Oath, before some one Justice of Peace of the County wherein the Robbery was Committed, inhabiting within or neer the Hundred where the Robbery was Committed, whether he do know any of them that

that did the Robbery, and if upon such Examination he do confess that he knoweth any of them, then also shall he (before such Action be brought) enter into Recognizance before the same Justice effectually to prosecute such persons so known by Indictment or otherwise, according to the due course of the Laws of this Realm, 27 *Eliz.* 13. § 11. N. 2.

Franchise.

III. 3 *Ed. 1. W.* 1. cap. 9. Forasmuch as the Peace of this Realm hath been evil observed heretofore for lack of quick and Fresh Suit making after Felons in due manner, and namely because of Franchises where Felons are received. 2. It is provided that all generally be ready and appalled at Arrest of Felons when need shall be, as well within Franchise as without. 3. And they that will not so do, and thereof be attainted, shall make a grievous Fine to the King, *Crompt.* 1. 58. a. b.

Notice.

IV. 13 *Ed. 1. & 2. Winch.* cap. 1. § 1. N. 4. That Cries shall be solemnly made in all Counties, Hundreds, Markets, Fairs, and all other places, where great resort of People is, so that none shall excuse himself by ignorance, that from henceforth every County be so well kept, that immediately upon such Roberies and Felonies Committed, Fresh Suit shall be made from Town to Town, and from Country to Country.

Limitation:

V. 13 *Ed. 1. & 2. Winch.* cap. 2. § 1. N. 5. And after that the Felony or Robbery is done, the Country shall have no longer space than forty days, within which it shall behove them to agree for the Robbery, &c. 2 *Inst.* 569. *Crompt.* 93. b.

Sheriffs.

VI. 13. *Ed. 1. & 2. Winch.* cap. 6. § 1. N. 14. And from henceforth let Sheriffs take good heed, and Bayliffs within their Franchises, and without be they higher or lower that have any Baliwick, or Forestry in Fee, or otherwise, that they shall follow the Cry with the Country, and after as they are bounden to keep Horses and Armor so to do, 15. And if there be any that do not, the defaults shall be presented by the Constables to the Justices Assigned, and after by them to the King, and the King will provide remedy as afore is said, 2 *Ed.* 3. 6.

Coron.

VII. 4 *Ed. 1. & 2.* pag. 29. § 1. N. 16. In like manner Hue and Cry shall be levied for all Murders, Burglaries, and for men slain, or in peril to be slain, as otherwhere it is used in *England*, and all shall follow the Hue and steps, as near as can be, and he that doth not, and is Convict thereupon, shall be attached to be before the Justices of the Goal, &c. *Stamf.* 50.

Lect.

VIII. 18 *Ed. 1.* pag. 84. § 1. N. 17. The Frank pledge to Inquire of Cries levied and not pursued.

Enquest.

IX. 28 *Ed. 3.* 11. § 1. N. 3. And Inquest if need be shall be also taken in the Towns by him which is Sovereign of the Town, and after in Hundreds, Franchises, and in the County, and sometime in two, three, or four Counties, in cases when Felonies shall be done in the Marches of the Counties, so that Offenders may be Attainted, N. 7. and longer term shall not the Country have after the Robbery or Felony done, then forty days, within which it behoveth them to make Gree, &c.

Sessions.

X. *Crompt.* 93. b. You shall Inquire, if immediately after Felonies and Roberies Committed, Fresh Suit be made from Vill to Vill, and from County to County; and if the Felon be not taken within Forty days after the Felony Committed, the Hundred where the Felony is Committed, with the Franchises there, shall answer for the Robbery, &c. and Note where it is said of the Statute of *Winchester* 13 *Ed. 1. & 2.* cap. 2. § 1. N. 5. in the Ancient Books, that the Country shall have half a year, &c. the Record of the Tower is but 40 days, according to 28 *Ed. 3.* 11. § 1. N. 7. *Crompt.* 179.

Notice.

XI. *Lambert* 433. Inquiry in Sessions upon 3 *Ed. 3. W.* 1. cap. 9. & 4 *Ed. 1. & 2.* pag. 29. § 1. N. 16. & 13 *Ed. 1. Winch.* cap. 1. § 1. N. 4. If any man have raised Hue and Cry without good cause, or being raised upon

upon good cause, havenot been ready upon the Commandment of the Sheriff, or at the Hue and Cry of the Country, to pursue and Arrest Felons, or such as have dangerously hurt any man; and if the Sheriff or any Bayliffs have not followed such Hue and Cry with Horse and Armour, *Crompt. 179. § 11. Dalt. 291, 292. cap. 109.*

XII. *Crompt. 178. b. § 2.* Note when Hue and Cry is levied upon a Robbery, or &c. the Officer of the Vill where the Felony was done, must send to every other Vill that is, and not go to the Vill that is next only, as it seemeth; for if the Hue and Cry should not be quite round, the Thief should seldom be taken, *Dalt. 75. cap. 28.*

XIII. *Crompt. 178. b. § 3. Query,* If one Neighbour may not take another's Horse to pursue the Hue and Cry if he will not go himself, because it is for the Common profit to retake a Felon, it seemeth he may. *Trespass.*

XIV. *Crompt. 178. b. § 4.* No *Capias* lyeth where a man is condemned for not pursuing the Hue and Cry, *Execution 34. Process.*

XV. *Crompt. 179.* If the Felon be not taken within 40 days, the party Robbed shall have remedy against the Inhabitants of the Hundred, with the Franchise therein, by 28 *Ed. 3. 11. § 1. N. 6.* Some have said that the Country shall answer only in Case of Robbery and Death of a man, and not for other Felony, therefore *Quere, &c. Action S. Stat.*

XVI. *Crompt. 179. a. b.* Two Joynt owners of a Sum of Money, who are Rob'd by Malefactors unknown, levy Hue and Cry at *W.* where the Robbery was done, and notice there given, and the Felons not apprehended nor discovered, nor amends made within the six months according to the Statute 13 *Ed. 1. & 2. Winch. cap. 2. § 1. N. 5.* (but Note the Role of the Tower is 40 days, so *Crompt. 93 contra 2. Inst. 569.*) and the Defendants, *viz.* the Inhabitants *infra hundredum predict'* plead in Barr of the Action brought Jointly by the said parties Robbed, that immediately after the Hue and Cry made, they made Fresh Suit from the said Vill of *W.* to three other Villis by name, within the Hundred of *Winterstoke*, where *W.* is, unto the Vill of *C.* which is within the Hundred next adjacent, and there Hue and Cry was by them given to the Inhabitants of this Hundred, Judgment if the Action whereupon it was Demurred, and by the opinion of the Court without Argument, this pursuit is no Excuse according to the intent of the said Statute without apprehension or Answer of the Offenders, or discovery of their names so that they may be Indicted and Outlawed, and in the said Case they may Joyn in the Action, but not if the Sums were several, and several properties, *Dyer 370. pl. & 3. Inst. 117, 118. cap. 52. Joynder.*

XVII. *Dalt. 75. cap. 28.* Every Justice of Peace may cause Hue and Cry, Fresh Suit, and search to be made upon any Murder, Robbery, Theft, or other Felony committed, and this he may do by force of the Commission, § the first *assignavimus Dalt. 291. cap. 109. Justices.*

XVIII. *Dalt. 75. cap. 28.* Sir Nicholas Hide in his Charge at Cambridge Affizes in *Lent 1629.* delivered that Hue and Cry must be made or pursued with Horsemen and Footmen, and that not only a private search is to be made in every Town, but that they must raise the Country as they go, and all still to follow the Hue and Cry as against a Common Enemy, *Com. Cromp. 179. a. b. Boulst. 212. cap. 54. Notice.*

XIX. *Dalt. 75. cap. 28.* Also the Officers of every Town to which Hue and Cry shall come, ought to search in all suspected Houses and places within their limits, and as well the Officers as all other persons which shall pursue they Hue and Cry, may Attach and stay all such persons, as in their search or pursuit they shall find to be suspicious, and thereupon shall carry them before some Justice of the Peace of the County where they are taken to be Examined, when they were at the time when the Felony *Officer.*



Felony was Committed, &c. 3 *Inst.* 118. cap. 52. *Poult. de Pace* 155. b. pl. 17.

Justices.

XX. *Dalt.* 291. cap. 109. Also it seemeth any Justice of Peace may bind persons Convict (of not following the Hue and Cry) over to appear before the Justices of Goal Delivery, and that by force of the Commission, & the first *assignavimus*.

London.

XXI. 2. *Inst.* 118. cap. 52. de Civitate Lond' capien' in manum Regis pro Hutesio non levato, *Rot. Clauf.* 30 H. 3. *membr.* 5. mandatum est Gulielmo de Hamershall Thesaurario Regis quod Civitatem London capiat in manum Regis eo quod Cives ejusdem Civitatis non leaverunt Hutesium & Clamorem pro morte Magistri Guidonis de Arretio & aliorum interfectorum secundum legem & consuetudinem Regni Teste Rege apud Woodstock 22 die August.

Dayes.

XXII. 29 *Car.* 2. 7. § 5. N. 1. No Remedy for parties Robbed on a Sunday, yet the Hundred shall forfeit to the King for default of Fresh Suit as before, *Crompt.* 179. b.

Watch.

XXIII. *Lambert* 433, 434. Inquiry in Sessions, if the Watch in every Bourrough and Town have been kept from Sun Rising to Sun Set, between Ascension day and Michaelmas day, to Arrest strangers that pass by in the night Season, 13 *Ed.* 1. & 2. cap. 1. of *Winchester*.

XXIV. *Lambert* 21. pl. 58. An Indictment for not keeping Watch in a Town, *West. Symb.* 2. pl. 134. § 219.

*Kent. ff.* Juratores pro Domino Rege supra sacramentum suum presentant quod a decimo die Maii Anno Regni dicti Domini nostri Jacobi Dei Gratia Angliæ Franciæ & Hiberniæ Regis Fidei Defensoris &c. usque 20 diem mensis Julii Anno supradicto Homines & Inhabitantes Villæ de C. in Com' predict' nullas vigilias a solis occasu usque ad solis ortum in dicta villa de C. in Com' predict' per aliquos homines fecerunt aut custodiverunt prout de Jure & antiqua consuetudine facere debent & solebant in dicti Domini Regis nunc contemptum ac contra form' cujusd' Statut' in Parliament' Domini *Ed.* olim Regis Angliæ primi apud *Winton.* Anno Regni sui 13. tent' in hujusmodi casu provisi & editi, *West. Symbol.* 2. part 134. § 219.

XXV. *Lambert Precedents* 21. b. pl. 59. An Indictment for not keeping Watch at the Sea side, *Pract. Precedents* 86. *West Symb.* 2. part 134. sect. 220.

*Kent ff.* Juratores pro Domino Rege supra sacramentum suum presentant quod ubi Homines & Inhabitantes Hundredi de F. in Com' predict' Antiquitus (*viz.* ante Annum Regni Domini Henrici nuper Regis Angliæ quarti quintum quasdam Maritimas & minutas Vigilias Anglice) vocat' *Sea Wat h* tempore Belli per Colterum Maris in quodam loco vocat' *Sandgate*, in dicto Comitatu per quatuor homines singulis noctibus a tempore in cuius contrarium memoria hominum tunc non existerat custodire debebant & solebant dicti tamen Hundredi de F. Homines & Inhabitantes nunc tempore nuper Belli *viz.* a 24 die Junii Anno Regni dicti Domini nostri Jacobi Dei Gratia Angliæ &c. usque 31 diem dicti mensis Junii Anno supradicto predictas vigilias apud *Sandgate* predict' modo & forma predictis facere & custodire voluntarie pretermiserunt & neglexerunt ac in eisdem vigiliis tunc ibidem sicut prefertur faciendis custodiend' voluntariam fecerunt defaltam in dicti Domini Regis contemptum ac hujus Regni sui Angliæ discrimen non modicum necnon contra form' Statuti in Parliament' dicti Domini Henrici nuper Regis Angliæ quarti tento Anno Regni sui quinto predicto in hujusmodi casu provisi ac editi *West. Symb.* 2. part 134. § 220.

XXVI. *Crompt.* 266, b. 267. pl. 104. An Indictment against Inhabitants for not answering for Robbery.

*Staff. ff.* Inquiratur pro Domino Rege quod cum in Statuto in Parliament Domini *Edw.* nuper Regis Angliæ primi progenitoris Domini Regis nuncapud *Winton* Anno Regni sui 13. tent' edit' inter cætera ordinat' sit pro eo quod de die in diem Roberiæ Homicidia, Incendia, & Latrocinia, plus solito tunc fiebant quam antea solebant & felones non potuissent esse attinct' per sacrament' Juratorum qui magis voluntarie permittebant felonias fieri gentibus extraneis & felones evadere absque pœna quam malefactores indictari ubi major pars fuerunt gentes de eadem patria vel ad minus si Malefactores fuerunt de alia patria eorum receptores fuerunt de visu ubi hujusmodi malefacta fiebant & hoc faciebant pro eo quod sacramenta eisdem Jurat' non ministrabantur nec in patria ubi felonias illæ fiebant, & quoad restitutionem Damnorum, pœna ante nunc non fuit provis' pro Concealament' & negligentis suis idem nuper Rex pro posse hujusmodi felonias debilitand' & decrescend' stabilivit pœnam in illo Casu ita quod exinde pro timore pœnæ plus q. pro pavore sacrament' nullis felonis extunc parcerent, nec aliquas felonias extunc concealarent & quod proclamatio fieret in omnibus Comitatus Hundred' mercat' feriis & omnibus aliis locis ubi multitudo Gentium foret assēblat' sic quod nulli per ignorantiam se possint excusare & quod quælibet patria extunc sic possit custodiri quod instanter post Roberiam & felonias fact' recens insecutio fieret de Villa in Villam de patria in patriam & etiam inquisitiones fierent si necesse foret in Villis per ipsum qui Dominus vel Superior esset in Villa, & postea in Hundred' & in Franchesia & in Comitatus & aliquando in duobus tribus vel quatuor Comitatus in Casu quando felonias factæ fuerunt in marchiis & consiniis Comitatus ita ut malefactores potuissent esse attincti: & si patria de corporibus hujusmodi malefact' non respondere pœna talis esset quod quælibet patria scilicet homines in Patria Commorantes responderent de roberiis factis & Damnis sic quod totum Hundred' ubi Roberia facta fuit cum Franchesiis quæ essent infra precinctum ejusdem Hundred' responderet de Roberiis factis: & si Roberia foret in divisis duorum Hundred' in hujusmodi casu responderent inde ambo Hundred' simul cum Franchesiis quæ forent infra precinct' Hundred' predict' & longioris temporis spacium non haberet patria post Roberiam & felonias fact' quam Dimidium Anni (nunc 40 dierum) infra quod faceret emend' de Roberia vel de Malefactis vel responderent de corporibus malefactorum prout in Statut' predicto plenius continetur Accum quidem Malefactores ignoti tertio die Maii Anno &c. apud N. in Com' predict' quæ quidem Villa est infra Hundred' de H. vi & armis, viz. Gladiis Baculis & Cultellis in quendam O. C. Insultum fecerunt & Centum libris de denariis ipsius O. ibidem invent' felonice ab eodem O. spoliaverunt ceperunt & asportaverunt contra pacem &c. qui quidem O. immediate post feloniam & spoliationem predict' factas scilicet quarto die Maii Anno &c. supradict' apud N. predict' per totam eandem Villam Hutesium & Clamorem de Roberia predicta fecit & notitiam ibidem inhabitantibus ejusdem Villæ de Roberia illa dedit & post Roberiam illam dimidium Anni (nunc 40 dies) jam preterierint ibidem tamen Inhabitantes emend' de Roberia predict' fact' O. huc usque non fecerunt nec Corpora felonum & malefactorum predict' ceperunt neque de Corporibus eorum hucusq; responderunt sed malefactores & felones illos evadere permiserunt in dicti Domini Regis contempt' & ipsius O. Grave Damnum & contra form' Statut' predicti &c. 3. *Brownl.* 224.

XXVII. *Kilb. Precedents* 161, 162. The Examination of a Person Robbed on the Highway, praying an Hue and Cry.

*The Examination of A. B. of C. in the County of O. Gent. taken by E. F. Esq; one of the Justices of Peace of the County of K. on the Second day of October Anno Domini 1679. upon his Oath.*

*Kent ss.* This Examinant saith, that as he was Riding on *Saturday* the first day of *April* last past, from the Town of *A.* in the County of *B.* to *C.* in the same County, he was assaulted in the Common Highway leading from one of the said Towns to the other, at or neer a place called *K.* at about a 11 of the Clock in the Forenoon of the same day, by two Footmen who there seized upon him this Examinant, and carrying him into a certain Wood, Robb'd him and Bound him; And this Examinant further saith, that he is since informed, that the said place and Wood are both in the Parish of *A.* aforesaid, and so within the Hundred of *A. & D.* in the said County; And this Examinant further saith and deposeth that the said Theeves did then feloniously take from him, and Rob him of 10*l.* 17*s.* in Mony, and one Cloth Saddle with Stirrups and Girts worth in all 10*s.* and two Leather Purfes, two Knives, &c. in all worth 5*s.* And this Examinant further saith and deposeth, that he then did not, nor yet doth know the parties that Committed the said Robbery or either of them.

*R. W.*

2. Another. *Kent ss.* *A. B. of C. in the County of O.* did upon the present tenth day of *October* in the 31 Year of the Reign of our Sovereign Lord *Charles* the Second, &c. personally come before me *E. M. Esq;* one of his Majesties Justices of the Peace for the said County of *O.* Inhabiting in the Parish of *St. M. C.* in the County aforesaid, in the Hundred of *R.* in the said County; and upon his Corporal Oath then taken before me, did say that upon *Fryday* the 8th day of *May* last past, at about the hour of seven of the Clock in the Afternoon of the same day, in the Kings Highway, at a certain place called *E. F.* in the Parish of *C.* in the aforesaid Hundred of *R.* in the said County of *O.* he was Assaulted by five men all unknown to him the said *A. B.* and they the said five men, did then and there Feloniously take and carry away from him the said *A. B.* 100*l.* in Moneys Numbered, of the Moneys of him the said *A. B.* and also his Goods and Chattels, that is to say, one Ring, with a deep Table Stone set in the same, one Watch in two Gold Cases, &c. to the Value of 30*l.* and Robbed him the said *A. B.* of all and every the Moneys, Goods and Chattels aforesaid, and the said *A. B.* was on the day and year first above mentioned upon his Oath aforesaid, by me Examined, whether he did know the parties that Committed the said Robbery, or any of them, and he then upon his Oath did say, that he neither at the time of the said Robbery Committed, nor at any time since, did, or doth yet know the said parties that Committed the said Robbery, nor any of them; In Testimony whereof I the aforesaid Justice have hereunto set my hand and Seal, the day and year first above Written.

XXVIII. *Kilb. Precedents* 163. A Hue and Cry on 28 *Ed.* 3. 11. §. N.

*R. W. Esq;* One of his Majesties Justices of the Peace for the said County, To all Constables, Borsholders, and other his Majesties Officers within the said County, or elsewhere within the Realm of England, whom the Execution hereof may concern, Greeting.

*Kent ss.* Whereas I have received Information and Charge against *A. B.* who is a person of evil Fame, who is charged before me to have assaulted and



and taken from the person of *C. D.* at *&c.* 10 *l.* in Moneys Numbred, *&c.* and he the said *A. B.* is very much suspected to have committed several other Felonies; and notwithstanding several endeavours for the apprehension of him, he hath not as yet been apprehended, but hath withdrawn himself and is fled: These are therefore in His Majesties Name, to Command you, and every of you, to make diligent search within your several Precincts for the said *A. B.* and to make Hue and Cry after him from Town to Town, and from Country to Country, according to Law, and if you shall find the said *A. B.* that then you do carry him before some one of his Majesties Justices of the Peace within the County or place where he shall be taken, to be dealt withall according to Law; hereof fail not at your Perils. Given under my Hand and Seal at *&c.* the Tenth day *&c.* Anno *&c.*

XXIX. *Pract. Precedents* 53. An Indictment of a Constable for not prosecuting the Hue and Cry on Robbery and Burglary.

*Essex ff.* Juratores pro Domino Rege supra Sacramentum suum presentant quod quædam personæ adhuc ignotæ 19 die Febr. Anno Regni &c. vi & Armis &c. domum mansionalem cujusdam *A. B.* apud *C.* in Com' predict' circa horam secundam post meridiem in nocte ejusdem diei Felonice & Burglariter fregerunt & intraverunt & unam Thecam Birretam vocat' a *Cap Case* &c. ad valent 40 *s.* &c. de Bonis & Catallis ipsius *B.* adtunc & ibidem invent' Felonice & Burglariter furati fuerunt ceperunt & asportaverunt contra Pacem dicti Domini Regis nunc Coronam & dignitatem suas predictusque *A. B.* immediate post Burglariam & Feloniam predict' in forma predict' fact' & perpetrat' viz. 20 die Martii Anno supradicto circa horam Nonam in nocte ejusdem diei apud *C.* predict' levavit & levare procuravit Hutesium & Clamorem ad prosequend' Felones predict' secundum formam Statuti Domini Edwardi nuper Regis Angliæ primi apud *Winton* An. Regni sui 13 in hujusmodi casu nuper edit' provisi ratione cujus vestigationis & prosecutionis Feloniæ & Burglariæ Hutesii & Clamoris predict' per notitiam & monitionem adtunc dat' *C. D.* adtunc Constabulario de *S.* predict' in Com' predict' Yeoman & *E. F.* de eodem Laborer Hutetiam & Clamorem Feloniæ & Burglariæ predict' ulterius non prosecut' fuit secundum form' Statut' predict' & debitam legis formam' hujus Regni Angl' per quod Felones illi impuniti evaserunt & escapiaverunt contra form' Statut' predict' & contra Pacem dicti Domini Regis Coronam & dignitatem suas, &c.

*Fruiterers* see *Market, Trades.*

*Fuell* see *Measures.*

*Fullers Earth* see *Drapery.*

*Gally Half-pence* see *Mony.*

### Games.

*Plays, Stage-Plays, Archers, Bowling, Shooting Sports, Unlawful Games.*

I. 33 H. 8. 9. § 3. N. 5. And after Children and Servants come to the Apprentices age of 17 years, every of them shall provide and have a Bow and four Arrows continually for himself at his proper Costs and Charges, and use and occupy the same in shooting, *&c.* *Lamb.* 473, 474.

II. *Lamb.* 191, 122. Every Justice of Peace may as well within the Liberties as without, enter into any Common house or place where any playing at Bowls, Coys, Kayles, half Bowl, Tennis, Dice, Cards, Tables, or at any other Game, prohibited by any former Statute, of which sort be Football, and Casting of the Stone by 12 *1 ich.* 2. 10. § N. or playing at any unlawfull Game already invented, or hereafter to be invented, shall be suspected

suspected to be used against 33 H. 8. 9. § 14. N. 1. and may Arrest as well the Keepers of such places as the Players there, and Imprison them untill those Keepers find Sureties to the Kings use, to be bound by a Recognizance or otherwise, no longer to occupy any such play or place, and that the persons found there playing be in like sort bound by themselves, or with Sureties at the Discretion of the taker, no more to play or haunt at, or to any the said places, or at any of the said Games. And every Justice of Peace finding or knowing any person not excepted by this Statute, to use any unlawfull Game contrary to this Act, may Commit him to Ward, there to remain without Bayl or Mainprise, untill he become bound by Obligation to the Kings use, in a Sum to be thought reasonable to that Justice, that he shall not from thenceforth use such unlawfull Games, *Lambert* 345. *Crompt.* 131. 196. § 4 & 79. *a Kitch.* 48. *Dalt.* 63. cap. 23.

Apprentice.

III. *Lambert* 174, & 175. If any Artificer of any occupation, or any Husbandman, Apprentice, Laborer, Servant at Husbandry, Journyman, or any servant of Artificer, or any Mariner, Fisherman, Waterman, or Servingman, other then of a Nobleman, or of him that may dispend 200 l. by the year, playing within the precinct of his Masters House, have plaid out of the *Christmas* at any of the said unlawfull Games, or in the *Christmas* out of the house or presence of their Master, shall be Inquired in Sessions, 33 H. 8. 9. § N. & 12 R. 2. 7. 10. *Crompt.* 79. *Dalt.* 63. cap. 23.

War.

IV. *Lambert* 476. the Act 33 H. 8. 9. § 20. N. 1. For Archery must be proclaimed at the several Sessions of the Peace, *Crompt.* 123. b. § 14.

Ablity.

V. *Crompt.* 78. b. Inquiry at Sessions on 33 H. 8. 9. § 3. N. if every one of the age of 7 years, and within LX having no Impediment (except spiritual men, the Justices of the one Bench or of the other, and Barons of the Exchequer) use Shooting in Long Bows, and have a Bow and Arrows ready.

*Item* 2. Whither the Fathers and Governors educate their Children in Shooting and have in their houses for every one of the age of 7 years, untill he come to 17. a Bow and two Arrows, and they may, provide and abate the Mony out of their Wages, otherwise he shall forfeit 6 s. 8 d. for every Month that they fail, 33 H. 8. 9. § 3. N.

*Item* 3. If every man above the age of 17 years, and within 60 years, having no Impediment, nor being a spiritual man, &c. hath a Bow and four Arrows, and occupieth it, he that fails shall Forfeit 6 s. 8 d. for every Month, 33 H. 8. 9. § 3. N. 5.

*Item* 4. If any under 24 years of age shoot at Pricks, he shall Forfeit 4 d. for every Shoot.

5. None under 17 years if his Father or Mother hath not 10 l. in Land, or that his Goods amount to the value of 40 Marks, shall shoot in any Bows of Yew bought for him, on Forfeit of 6 s. 8 d.

Archers.

VI. *Crompt.* 79. *Item* 6. If Butts be made and continued in every place by the Inhabitants, the Forfeit is 20 s. for every month fayling, and the inhabitants must exercise Shooting on Festival days, L. 474. by 33 H. 8. 9. § 4. N. 4.

*Item* 7. You shall Inquire if any for Lucre keep any place of Bowling, Tennis, Dicing, or other unlawfull Games, he shall Forfeit 40 s. for every day, and every person haunting this, shall forfeit for every time 6 s. 8 d.

Bowls.

VII. *Crompt.* 79. If any Bowl in any open place out of his Garden or Orchard, he shall forfeit 6 s. 8 d. for every time.

VIII. *Crompt.* 79. At the Assizes at *Stafford*, *Lent* 29 *Eliz.* before *Manwood* Chief Baron, and *Windham* Justices of Assize there, divers that were taken by L. one of the Justices of the Peace there, were Indicted thereof, and he that kept the house where they played also, and he that kept the house was fined to 5 l. and every one that plaid 20 s. and because they were present in Court, they were Committed to Prison till they paid their Fines, and there were above 20 of them that plaid in the said house at one time, *Dalt.* 64. cap. 23.

IX.

IX. *Crompt.* 131. Justices of Peace and head Officers who find or know any person using unlawfull Games against 33 H. 8. 9. § 14. N. 1. may Commit such Offenders to Prison without Bayl or Mainprise, until they be bound by obligation to the use of the King, that they will not use such unlawful Games, and so see a Conviction by view of the Justices, as to Imprisonment, &c. as it seemeth, *Quere Crompt.* 154. b. 155. a. & 172. ab. 175. b. § 21. 197. b. § 27. Imprisonment.

X. *Crompt.* 192. b. All Informations, Plaints, Actions and Suits, against such as keep Common Houses of unlawfull Games, and against such as play therein against 33 H. 8. 9. § 17. N. 2. shall be Commenced within the year after the Offence Committed, otherwise no advantage or Suit thereof shall be taken, as appears by the said Statute. Dayes.

XI. *Dalt.* 64. cap. 23. But Inquire what Games shall be said to be unlawful, &c. *Quere* of Dancing of the Morrice, or other open Dancings, Bear-baytings, Common Playes and Fencings, all these seem to be prohibited by 39 *Eliz.* 4. §. N. Prohibition.

XII. 1 *Car.* 1. cap. 1. § 1. N. 5. And that any one Justice of the Peace of the County, or the cheif Officer, &c. of any City &c. wherere such Offence (*viz.* Bear-bayting, Bull-bayting, Interludes, Common Playes, and other unlawfull Pastimes on the Lords day) shall be Committed upon his or their View or Confession of the party, or proof of any one or more Witness by Oath, which the said Justice &c. shall administer, shall find any person offending in the premises, the said Justice &c. shall give Warrant under his or their hand and Seal to the Constables and Churchwardens of the Parish, &c. where such offence shall be Committed, to levy the said Penalty (*viz.* 6 s. 4 d.) &c. by Distress and Sale, &c. *Dalt.* 63. cap. 23. Dayes.

XIII. *Lambert* 95. Every person finding or seeing any to offend 33 H. 8. 6. § 16. N. 1. against the Shooting in Cross-bows and Hand-guns, may Arrest and bring or convey him to the next Justice of Peace of the County where he was found offending, who upon due Examination and Proof thereof before him made, may by his discretion Commit him to the Goal, there to remain till he shall truly pay the one Moiety of the Forfeiture of this Statute to the King, and the other Moiety to the first bringer or conveyer, *Dalt.* 64. cap. 24. Warren.

In this Case, and such other, the Justice of Peace having as it seemeth, the whole matter committed to himself alone, ought to be wary and circumspect &c. and upon the offence sufficiently proved, it is necessary that in his Mittimus or Precept to the Goaler, there be conteyned the names of the parties, with the manner of the offence, and how long he is to be kept in Prison for it.

XIV. *Lambert* 472. If any person have Shot in, used, or kept any Hand-gun, but such as is in Stock and Gun one yard long; or any Hagbut, or Demihake, not being three quarters of a yard long, 33 H. 8. 6. *Lamb.* 295. Ability.

XV. 471, 472. (Inquiry at Sessions) If any not having 100 l. per Annum have carryed in his Journey any Cross-bow bent, or Gun charged, unless it be to the Musters, 33 H. 8. 6. *Crompt.* 88.

XVI. *Lambert* 472, 473. Inquiry, if any person have Shot at large, other then at a Butt or Bank of Earth, in place convenient, at any thing, with any Gun, in any City, Bourrough, or Market Town, or within a quarter of a Mile of any of them, or have commanded his Servant to Shoot in Cross-Bow or Gun at any thing, other then a Butt or Banck of Earth; or if any person not having 100 l. per An. or not dwelling within five Miles of the Sea Coast, or not dwelling in a House two Furlongs distant from any City, Bourrough or Town, do keep or have in his house, any Cross-bow, 33 H. 8. 6. § 6. N. 1. *Lambert* 295. Warren.



- Days.** XVII. *Lambert* 473. Inquiry if any having 100 *l. per An.* having Seised any Cross-bow or Gun by virtue of this Act, have not broken the same in pieces within 20 dayes next after such Seisfure, 33 *H. 8. 6. § 2. N. 2.*
- Fowl.** XVIII. *Crompt.* 89. *b.* Inquire if any who is no Lord of Parliament, Shoot in any Hand-gun within a City or Town, at any Fowl, or other Marks, upon any Church, House, or Dovecote, or shoot more Bullets then one at a time, or Hail-shot, shall lose 10 *l.* and shall be Imprisoned three years, 2 & 3 *Ed. 6. 14. § 1. N. 3.*
- Enquest.** XIX. *Lambert* 190. *b.* 191. Justices of Peace also by another Enquest, may Inquire of the Concealment of such an Enquest as is Sworn before them, to Inquire of Offences done against 33 *H. 8. 6. § 20. N. 1.* concerning shooting in Guns and Cross-bows, and the Fine of every such Juror that is Convict of such Offence is 20 *s.*
- Justices.** XX. *Lambert* 620. The Justice of Peace that faileth to Record at the next Quarter Sessions, the name of any person Authorized to shoot in a Gun, that hath presented his Name unto him, shall lose 20 *s.* if 2 & 3 *Ed. 6. 14. § 2. N. 3.* do so far extend, whereof the words give cause of doubt.
- Apprentices.** XXI. 11 *H. 7. 2. § 1. N. 11.* Furthermore it is Ordained and Enacted, &c. that none Apprentice, ne Servant of Husbandry, Laborer, ne Servant Artificer, Play at the Tables from the tenth day of January next coming, but only for Meat and Drink, ne at the Tennis, Claysh, Dice, Cards, Bowls, nor any other unlawfull Game in no wise, out of Christmas, and in Christmas to play only in the dwelling house of his Master, or where the Master of any of the said Servants is present, upon pain of Imprisonment, by the space of a day in the Stocks openly.
- Process.** XXII. 11 *H. 7. 2. § 1. N. 12.* And that the Householder where Dicing, Carding, Tennis playing, Bowls, Claysh, or any other unlawfull Game afore reherfed, shall be used otherwise then is afore reherfed, and that lawfully be presented before the Justices of Peace, the Mayor or Sheriff in his Tourn, or Steward in his Leet, or by Examination had before the said Justices of Peace, that Process be made upon the same, as upon Indictment of Trespass against the Kings Peace, and that the said misdoers be admitted to no Fine under the Sum of 6 *s. 8d.*
- XXIII. *Lamberts Precedents* 18. *b.* pl. 51. An Indictment for keeping unlawfull Play, and Playing thereat, *West. Symb.* 2. pt. 109. *b.* § 121. against 33 *H. 8. 9. § 11. N. 1. Pract. Preced.* 163. 159.
- Kent ff.* Juratores pro Domino Rege supra sacramentum suum presentant quod *A. R. de C.* in dicto Comitatu Tyler, secundo die Junii Anno Regni, &c. & continue post dictum diem Anno supradict' usque primum diem Mensis Julii Anno supradict' apud *C.* predict' in Comitatu predict' quendam Communem locum Jacendi Globos Anglice a *Common Bowling Alley*, pro lucro ipsius *A. B.* proprio & ad Ludendum tunc ibidem cum Globis Anglice vocat' (*Bowles*) illicite tenuit & custodivit ac manutenuit contra form' cujusdam Statuti in Parliament' Domini Henrici nuper Regis Angliæ 8. Anno Regni sui 33 in hujusmodi casu provisi ac Editi: Et quod *J. S. de C.* predict' in dicto Comitatu Laborer & tres aliæ personæ ignotæ dicto secundo die Junii Anno supradict' dictum communem locum usitaverunt ac tunc ibidem cum Globis Anglice vocat' *Bowls* insimul & illicite luserunt contra formam Statuti predicti.
- XXIV. *Dalt.* 80. cap. 31. A man cannot be restrained to use the Trade of making Dice, Cards, Bowles, or the like, except it be by Parliament, &c. 11 *Co.* 86.

Gawgers see Measures.

Glass men see Trades.

Goals see Imprisonment.

Goldsmiths see Mettle.

## Good Behaviour.

Peace, Behaviour, Abearing, Affray, Sureties, Warrants,  
Recognizance, Contempts.

I. *Lambert* 2. cap. 2. pag. 116. That in 2 H. 7. 2. the Surety of the good Abearing is set forth to rest in this point chiefly, that a man demean himself well in his Port and Company, doing nothing that may be cause of the breach of the Peace, or of putting the People in fear or trouble, and that it doth not consist in the observation of things that concern not the Peace: And that it should differ from Surety of the Peace in this, that where the Peace is not broken without an Affray or Battery, or such like, this Surety *de bono Gestu* may be broken by the number of a mans Company, or by his or their Weapons or Harnes, *Dalt.* 187. *infra* § 12.

II. *Lambert* 116. *ibid.* Herewithall also do certain Precedents of the Kings Bench agree, which in Surety of the Good Abearing taken at the Suit of some one person, do mingle the words *a modo se bene Geret erga Dominum Regem & cunctum populum suum & precipue erga T. B.* with those other words that are commonly put in the Recognizance for the Peace, as in *Rast. Entr.* 415, 416. *Tit. Peace.* any man may see.

III. *Lambert* 117. But all this notwithstanding, methinks that a man may reasonably affirm, that the Surety of Good Abearing should not be restrained to so narrow Bounds; for first the Statute 34 *Ed.* 3. 1. § 1. N. 6. Enableth the Wardens of the Peace to take of all them that be not of Good Fame, where they shall be found, sufficient Surety and Mainprise of their Good Abearing towards the King and his People, so that if a man be defamed, he may by vertue hereof be bound to his Good Behaviour at the discretion of the Wardens and Justices of the Peace: And I once received a special Writ out of the Chancery, directed *Custodibus Pacis & Vicecom' & eorum cuilibet*, and grounded upon the same Statute for the Binding of a man with Surety, *quod ipse boni Gestus & Fame de cetero erit & quod nihil in contrarium Statuti predicti quovismodo attemptabit, &c.* wherein I proceeded as a Minister only, *Dalt.* 188. cap. 74.

IV. *Lambert* 117. But the doubt resteth in this, to understand concerning what matters this Defamation must be: and that as I think may be partly gathered out of the said Statute also; for after it hath 34 *Ed.* 3. 1. § 1. N. 3. given power to the Wardens of the Peace to Arrest and Chaſtice Offenders, *viz.* against the Peace, Rioters and Barretors, then it wil- leth them 34 *Ed.* 3. 1. § 1. N. 4. To Inquire of such as having been Robbers beyond the Sea, were come over hither, and would not labour as they were wont; and lastly it Authorizeth them 34 *Ed.* 3. 1. § 1. N. 6. to take Surety of the Good Behaviour of such as be defamed namely, as I think for any of those former offences, for so it standeth well together, that they shall both punish such as have already so offended, and shall also provide that others shall not likewise offend; and even so do they of the Chancery understand it, as by their special *Superfedeas* which I afterwards received from them upon that Writ, &c. I did well perceive.

Writs.

V. *Crompt. ibid.* 135. b. 136. a. He that is not of Good Fame or Name, nor of honest Conversation, but of male Disposition, Barretors, and perturbors of the Peace that are like to do Murder, Homicide, Strifes, Discords, and other Grievances to the Kings Liege people in their Bodies by reason of the Premises, shall be bound to their Good Behaviour, as appears by Writ out of the Kings Bench, which followeth,

*Jacob.* Dei Gratia, &c. Vicecom' S. Salutem quia datum est nobis intelligi & informari per relationem & testimonium multorum fide dignorum Com' tui quod A. B. de W. in Com' predict' Armiger & J. C. de eodem Yeoman non sunt bonorum nominis & famæ nec conversationis honestæ sed malæ dispositionis Barratores & Pacis nostræ perturbatores ita quod veresimiles sunt facere Murdrum Homicidium Lites Discordias & alia Gravamina & Damna inter ligeos nostros de corporibus suis pretextu premissorum indies oriri: Ideo tibi precipimus sicut pluries tibi precipimus quod non omittas propter aliquam libertatem in Balliva tua quin attachias prefatos A. B. & J. C. ita quod eos habeas coram nobis a die Paschæ in 15 dies ubicunque tunc fuerimus in Angliæ ad inveniendum tunc coram nobis sufficientem securitatem de se bene Gerendo erga nos & cunctum populum nostrum juxta form' Stat' inde editi & provisi sub certa pena eis per nos tunc imponend' & cum prefatos A. & J. seu eorum alterum virtute hujus brevis sic attachiat' tunc eos per sufficientes manucaptors qui eos seu eorum alterum manucapere voluerit sub certa pena eis & eorum cuilibet per te rationabiliter imponend' tam pro die sua conservand' quod pro seipsis medio tempore bene gerend' in Ballium usque ad prefatum Terminum dimittatis & pro officiorum in hac parte faciend' duos solidos & quatuor denarios de utroque prefatorum A. B. & J. C. solummodo capias & hoc nullatenus omittatis periculo incumbent' & habeas ibi hoc breve E. J. Popham apud Westmin. 12 die April. 2 Eliz. see Mich. 17 & 18 Eliz.

This Writ is founded upon 34 Ed. 3. 1. that speaks that Riotors, Barrators, Misfeasors, and those that are not of good Fame, shall be bound to the Good Behaviour.

Forfeiture.

VI. *Lambert* 118. Moreover it seemeth to me that all these Statutes, 1 Mar. 1. & 2. cap. 3. § 6. N. 2. against disturbing Preachers, & 5 Eliz. 21. § 2. N. 6. against takers of Fish, Deer, or Hawks, & *Crompt.* 135. on 23 Eliz. 1. § 5. N. 2. against not coming to Church, & 39 Eliz. 4. § 5. N. 2. against hinderers of Execution, against Rogues, & 3 Jac. 13. § 2. N. 3. against unlawfull Hunting: That all these Statutes have this one meaning, that a party so bound may afterwards Forfeit his Recognizance if he estoons offend against the said Statutes.

Imprisonment

VII. *Lambert* 118, 119. Besides this 13 H. 7. 10. its admitted by the Opinion of the Court, that if a man in the night season haunt a house that is suspicious for Bawdry, or use suspicious Company, then may the Constable Arrest him to find Surety of his Good Abearing, *Crompt.* 135. b. *Dalt.* 189.

Bastardy.

VIII. *Lambert* 119. *ibid.* And therefore it shall not be amiss at this day, in my slender Opinion, to grant Surety of the Good Abearing against him that is suspected to have begotten a Bastard Child, to the end that he may be forth-coming when it shall be Born, &c. And if this Medicine might lawfully be applied to Shoemakers, Taylors, Weavers, and other light persons, that without Testimonial or other good Warrant, do slit out of one Shire into another; not only that evil of Bastardy, but many other mischiefs might be either prevented or punished thereby, *Dalt.* 191.

Suspicion.

IX. *Lambert* 119, 120. But for some advice by the way in conceiving rightly this suspicion, mark what *Bracton* Writeth:

Suspicion ariseth from Fame, and from Fame and Suspicion arise violent presumption: But that Fame which induceth Suspicion ought to arise among



among the Good and Grave, and yet not once, but often : Suspition also ariseth upon a Precedent compact to which we must stand till the contrary be proved.

X. *Lambert* 120. Now the further that this Bond of the Good Abear- Justices.  
ing doth extend, the more regard there ought to be taken in the Award-  
ing of it, and therefore although the Justices of Peace may have power to  
grant it either by their own discretion, or on the complaint of others, even  
as they may that of the Peace; yet I wish rather that they do not command  
it, but only upon sufficient cause seen to themselves, or upon the Suit and  
complaint of divers, and the same very honest and Credible persons, *Dalt.*  
330, 331. cap. 117. & 188. cap. 74.

XI. *Crompt.* 135. b. One Justice of Peace may bind a man to the Good Justices.  
Behaviour who is a Common Barretor, &c. 13 H. 7. *Kell.* 41. pl. see the  
words of the Commission, § & *Lambert* 120, 121. 9 Ed. 4. 3. *Dalt.* 187,  
188. *Crompt.* 138. *infra.*

XII. *Dalt.* 187. cap. 74. The Peace is not broken without an Affray, Peace:  
(*Lambert* 116.) Battery, Assault, Imprisoning, or extremity of Menacing  
whereas the Good Abearing may be broken, and Recognizance Forfeit,  
without any of these, as namely 1. By the extraordinary number of people  
attending upon the party bound. 2. By wearing of Harness, or other  
Weapons more then usual. 3. By using words or threatnings tending or  
inciting to the breach of the Peace. 4. By doing any thing tending to  
the breach of the Peace, or to put the people in dread or fear, tho there  
be no actual breach of the Peace; yet Note these four, &c. are also cau-  
ses to bind a man to the Peace, yea they are breaches of the Peace, &c.

XIII. *Dalt.* 187. This Surety of the Good Behaviour is to be granted Recognizance.  
at the Suit of divers, and those being men of Credit, and to provide for  
the safety of many, whereas the Surety of the Peace is usually granted at  
the request of one, and for the preservation of the Peace chiefly towards  
one.

XIV. *Dalt.* 187. *ibid.* Also this Surety of the Good Abearing is most Justices.  
commonly granted, either in open Sessions of the Peace, or out of the  
Sessions by two or three Justices of the Peace, whereas that of the Peace  
is usually granted by one Justice of Peace, and out of Sessions, *Dalt.* 366.  
*infra.*

XV. *Dalt.* 187, 188. And yet by the words of the Commission, as also  
by the Common opinion of the Learned, *Lambert* 120, 121. *Crompt.* 135. b.  
& 14 H. 7. 8. *supra* Any one Justice of Peace alone, and out of the  
Sessions may grant this Surety of the Good Abearing, and that either by  
their own discretion, or upon the complaint of others, as they may that  
of the Peace : But this is not usual, unless it be to prevent some great and  
sudden danger (especially against a man that is of any good Estate, carriage  
or report) *Crompt.* 138. *infra.*

XVI. *Dalt.* 189. cap. 75. I lately granted the Good Behaviour against Coron.  
one, for that he had bought Ratisbane, and mingled the same with Corn,  
and then wilfully and maliciously did cast the same among his Neighbours  
Fowls, whereby most of his Fowls dyed, and it was holden to be a Good  
cause to bind the Offender over by the whole Bench, and since I have  
known it allowed as a Good Cause by the Judges of Assize.

XVII. *Dalt.* 189. The Justice of Peace also upon his own discretion, Suggestion.  
and without complaint may bind to the Good Behaviour, any other per-  
son which in his presence or hearing, shall misbehave himself in some out-  
ragious manner of Force or Fraud, and may Commit such person to the Goal  
if he refuse to be bound.

- Recognizance. XVIII. *Dalt.* 189. It is also grantable against such as be of Evil Name and Fame generally, but more specially against such as are Defamed or Detected in any of these particulars, 1. For resorting to houses suspected to maintain Adultery or Incontinency. 2. The Maintainers of suspected Bawdy houses. 3. Common Whores or Whoremongers. 4. Night Walkers that be suspected to be Pilferers, or otherwise like to disturb the Peace, or that be persons of Evil Behaviour, or that shall keep Company with such, Eveldroppers, Cutters of Gates, Carts, Pens, &c. 5. Persons suspected who live Idly, and yet fare well, or are well apparelled, having nothing whereon to Live, except on Examination they give a good account, *Dalt.* 354. And 6. Common Haunters of Alehouses, Taverns, and Common Gamesters, but more especially, if they have not whereon to Live. 7. Common Drunkards twice Convicted by 7 *Jac.* 5. 21. *Jac.* 7. § N. 8. Such as use to go on Messages for Theeves.
- London. XIX. *Crompt.* 140. § 21. One who had ill Women in his House in London, was Committed untill he were bound to Good Behaviour, and this was so ordered at the Sessions at Newgate 28 *Eliz.* by *Wray* and *Anderson* Chief Justices, and *Manwood* Chief Baron, *Dalt.* 189. cap. 75.
- Fresh Suit. XX. *Dalt.* 190. cap. 75. Also the Good Behaviour seemeth grantable against such as shall make false Outcryes, or shall raise Hue and Cry without Cause, for these are disturbers of the Peace, *Crompt.* 179. If one man doth levy Hue and Cry upon another without Cause, either of them may be Attached and Bound over as Disturbers of the Peace, 29 *Ed.* 3. *Trespas* 252. *tamen Quere* Concerning him upon whom the Hue and Cry is levied, except he be either a man of evil Fame, or that there be some Felony Committed.
- Collusion. XXI. *Dalt.* 190. Also it seemeth grantable against Cheaters and Colers.
- Slander. XXII. *Dalt.* 190. *ibid.* Libellers it seemeth also my be bound to their Good Behaviour as Disturbers of the Peace, whether they be the Contrivers, the Procurers, or the Publishers of the Libell, &c. by Writings, Words or Pictures, &c. 5 *Co.* 125. and no matter whither true or false.
- Execution. XXIII. *Dalt.* 191. The Sheriffs Bayliff upon a Warrant from the Sheriff to make Execution of the Goods of *A.* went into the house of *A.* finding the door open, and *A.* shut the doors upon the Bayliff, and so deteyned him as a Prisoner in his House, and Sir *Robert Houghton* one of the Judges of the Kings Bench thought it a good cause to grant out Process *de bene Gerendo* against *A.* for thus abusing an Officer of the Law, *Anno* 17 *Jac.*
- Contempt. XXIV. *Dalt.* 191. It seemeth that he which shall use words of contempt or *contra bonos mores* against a Justice of Peace, tho it be not at such a time as he is Executing his Office, yet he shall be bound to his Good Behaviour.
- Religion. XXV. *Dalt.* 192. Disturbers of Preachers by the Statute, 1 *Mar.* 1. & 2 cap. 3. § 6. N. 2. And destroyers of Fish by 5 *Eliz.* 21. § 2. N. 6. and shall be bound to the Good Behaviour at the Sessions.
- Pope. XXVI. *Dalt.* 192. § 5. Popish Recusants absenting from Church, shall be bound in *B. R.* by 23 *Eliz.* 1. § 5. N. 2.
- Pardon. XXVII. *Crompt.* 135. He that is Attaint for Felony, and hath a pardon shall find Surety for the Good Behaviour with six Mainpernors during his Life, by 10 *Ed.* 3. 3. § N. *Dalt.* 192. § 6.
- Coro. XXVIII. *Crompt.* 135. He that is acquit of Felony, shall be bound to the Good Behaviour, if he be of ill Fame or ill Gesture, *Raft. Entr.* 361. *Dalt.* 192. § 6. *Poult. de Pace*, 118.

XXIX. *Dalt.* 193. To be Drunken is a Breach of the Good Behaviour, <sup>Ale.</sup>  
as Sir Nicholas Hide did deliver it in his Charge at Cambridge, Lent Affizes  
*An. 3. Car. 1.*

XXX. *Dalt.* 193. cap. 75. Whether the Surety of the Good Behaviour <sup>Release.</sup>  
taken upon complaint, may be released by any special person, some do  
doubt it, because it seemeth more popular then the Surety of the Peace,  
yet others do hold that it may be released either by the Justice of Peace  
himself that took it in discretion, or by the party upon whose complaint  
it was granted, even as that for the Peace may, *Dalt.* 176. cap. 71. & 391.  
cap. 128. *Lambert* 123.

XXXI. *Dalt.* 193. *ibid.* It seemeth also a *Superfedeas* of the Good Beha- <sup>Superfedeas.</sup>  
viour may be granted by the Justices of Peace (as well as for the Peace *mu-*  
*tatis mutandis*) upon Good Sureties, &c. *Crompt.* 237. *Dalt.* 365. cap. 122.  
& 390.

XXXII. *Cr.* 146. If a man be Bound to the Good Behaviour before Justices <sup>Certiorari.</sup>  
of the Peace, and to appear at the Affizes next, &c. the party Bound may  
remove the Recognizance into the Chancery before the day, and then he  
shall not be bound to appear at the Affizes, for they have no Record  
whereon he can be demanded there, and such a *Certiorari* was obtained  
*de Banco Regis*, *Hill.* 24 *Eliz.* to the Justices of Peace in *Com' Staff.* to  
certifie such Recognizance of the Good Behaviour taken of one *Aspen-*  
*hurst*, *Dalt.* 193. cap. 75. & 366. cap. 122. 18 *Ed.* 4. 17. & *Condition.*  
*Br.* 162.

XXXIII. *Lambert* 2. cap. 2. pag. 121. *The Precept of the Good Abear-* <sup>Process.</sup>  
*ing.*

*Kent ff. B. A. & E. S.* Two of the Justices of the Peace of our Sovereign Lord the Kings Majesty in the County of *Kent*, to the Sheriff of the said County, To the Constables of the Hundred of *B.* and to the Borsholders of the Town of *E.* in the said Hundred, and to every of them Greeting: Forasmuch as *A. B.* of *E.* aforesaid, is not of Good Fame, nor of honest Conversation, but an Evil doer, Rioter, Barretor, and perturber of the Peace of our said Sovereign Lord, as we are given to understand by the complaint of sundry Credible persons, therefore on the behalf of our said Sovereign Lord, We Command you and every of you, that you cause the said *A. B.* to come before us, or some other of our Fellow Justices, to find sufficient Surety and Mainprise, as well for his Good Abearing towards our said Sovereign Lord, and all his Liege People, untill the next Quarter Session of the Peace, to be holden in the said County, as also for his Appearance then there, and if he the said *A. B.* shall refuse so to do, that then immediately without expecting any further Warrant, you him safely convey, or cause to be safely conveyed to our next Prison in the said County, there to remain untill he shall willingly do the same, so that he may be before the Justices at the said next General Sessions of the Peace to be holden in the said County, then and there to Answer for his Contempt in this behalf; and see that you certifie your doing in the Premises to the said Justices, at the said Sessions, bringing then thither this Precept with you. Witness the said *B. A.* and *E. S.* of *B.* &c. the day of &c.  
*Crompt.* 236. *b.* in Latine.

XXXIV. *Lambert* 122. *ibid.* The usual Recognizance for the Good <sup>Recognizance.</sup>  
Abearing.

Memorandum quod 4. die Julii A. &c. R. P. de E. in Com' predict'  
Yeoman in propria persona sua venit coram nobis H. P. Kt. & S. L. Esq;  
duobus Justic' dicti Domini Regis ad Pa. in dicto Comitatu conservand'  
A a a assignat'



assignat' & assumpsit pro seipso sub pœna vigint' librarum & *H. J. de L. in Com' predict' Yeoman & J. F. de M. in eodem Com' Husbandman* tunc & ibidem in propriis personis suis similiter venerunt & manuceperunt pro predict' *R. P. viz* quilibet eorum seperatim sub pœna Cent' solid' quod idem *R. P.* personaliter comparebit coram Justiciariis dicti Domini Regis ad pacem &c. ad proximam generalem sessionem &c. & quod ipse interim se bene geret erga Dominum Regem & cunctum populum suum & præcipue erga *J. B. de C. &c.* & quod ipse non inferet nec inferri procurabit per se nec per alios Damnum aliquod seu Gravamen prefato *J. B.* seu alicui de populo ipsius Domini Regis de corporibus suis per insidias insultus seu aliquo alio modo quod in læsionem seu perturbationem pacis dicti Domini Regis lædere valeat quovismodo *viz.* uterque *H. J. & J. F.* sub pena cent' librarum & predict' *R. P.* sub pena ducent' librarum quas quidem sepeales summas Cent' librarum uterque predict' *H. J. & J. F.* ut predicatur per se ac predict' *R. P.* dict' ducent' librarum Recognoverunt se debere dicto Domino Regi de terris & tenement' Bonis & Catallis suis & quorumlibet & cujusbet eorum ad opus ipsius dicti Domini Regis fieri & levari si contingat prefatum *R. P.* in aliquo premissorum deficere & inde legitimo modo convinci, &c. *Dalt. 370. cap. 123. Kilborns Precedents 192.*

Condition.

XXXV. *Lambert 122, 123.* Or by a single Recognizance, with his Condition Endorsed under Written,

Conditio Recogn' predict' talis est quod si predict' *R. G.* Imposterum se bene geret & Pacem Domini Regis conservabit erga dictum Dominum Regem & cunctum populum suum & nullum Damnum Corporale &c. extunc Recognitio predicta pro nullo teneatur alioquin in suo robore permaneat *Dalt. 371. cap. 123.*

Supersedeas.

XXXVI. *Dalt. 365. cap. 122.* A *Supersedeas* of the Good Behaviour by one Justice.

*H. B.* Serviens ad legem unus Justic' Domini Regis &c. Vicecom' ac omnibus & singulis Ballivis Ministris & fidelibus dicti Domini Regis in eodem Com' & eorum cuilibet salutem quia *J. S.* sufficient' securitat' de pace & de bono Gestu suo erga dictum Dominum Regem & precipue erga *W. T.* coram me invenit, ideo ex parte dicti Domini Regis vobis & cuilibet vestrum mando & precipio firmiter injungens quod de ipso *J. S.* pro hujusmodi securitat' &c. inveniend' capiend' sive Arrestand' omnino supersed' & si ipsum *J. S.* ea occasione ceperitis sive Imprisonaveritis tunc eum deliberrari facias si ipse *J. S.* ea occasione & non alia detineatur Teste, &c.

XXXVII. *Dalt. 366. cap. 122.* And Mr. *Crompton* is of Opinion that these (*viz. Supersedeas of the Good Behaviour, &c.*) may be granted by any one Justice of the Peace, with whom *Rast. Entr. 454. tit. Peace.* But Mr. *Lambert 123.* thinketh it not in the lawfull power of any one Justice of Peace to grant such *Supersedeas* at thisday, but that it must be done by two Justices at the least, and the one being of the *Quorum*; nevertheless for that I find the old Precedents to run in the name of one Justice of the Peace alone, I have drawn these accordingly, perswading notwithstanding the Joyning of two Justices herein, and one of the *Quorum* if they may conveniently.

XXXVIII.

XXXVIII. *Crompt.* 138. § 3. And it seemeth that one Justice of Peace <sup>Justices.</sup> may Award such a Precept, (*viz.* for the Good Behaviour against another person by his discretion) as well as two Justices may, and the Statute, 34 *Ed.* 3. 1. § 1. N. 6. isto the same effect by the words thereof, otherwise perhaps Damage would happen to some of the Kings Subjects, if the party be not Attacht before two Justices have made the Precept, yet the common usage is to make such a Precept of the Good Behaviour in name of two Justices, and it is good to keep this Ordinance, *Fitzh.* J.P. 7.

XXXIX. *Dalt.* 371. The Condition of a Recognizance, &c.

Condition.

The Condition of this Recognizance is such, that if the above bounden *R. G.* shall personally appear before the Justices of our Sovereign Lord the King, at the next General Sessions of the Peace to be holden in the County of *C.* to do and receive that which by the Court shall be then and there enjoined him, and that in the mean time he be of Good Behaviour, and do keep the Peace of our said Sovereign Lord the King, towards his Majesty and all his Liege People, That then, &c.

XL. *Dalt.* 371. Or this, *Conditio Recogn' predict' talis est quod si predict' N. G. Imposterum se bene Geret (& pacem Domini Regis conservabit) erga dict' Dominum Regem & cunctum populum suum quod tunc Recognitio predicta pro nullo teneatur alioquin in suo Robore permanere.*

XLI. *Dalt.* 365. Note that such *superfedeas* (*viz. supra* § 36.) is good, <sup>Superfedeas.</sup> thoit name neither the Sureties, nor the Sums wherein they are bound, but yet it is the better Form to express them both, for then if it shall appear that the Sureties are not sufficient men, or not bound in sufficient Sums, better Sureties may be taken, &c.

*Gaugers* see *Measures.*  
*Glass-men* see *Trades*  
*Goals* see *Imprisonment.*  
*Goldsmith* see *Metle*

*Grain* see *Corn.*  
*Graziers* see *Catle*  
*Greyhounds* see *Catle*  
*Green Wax* see *Proces and Seals*  
*Guns* see *Forest and Shooting*

*Habeas Corpus* see *Imprisonment, Certiorari*  
*Handguns* see *Forest and Shooting*  
*Hay and Oats* see *Corn*  
*Hares* see *Forest*  
*Harvest* see *Poor and Husbandry*  
*Hawks* see *Fowl.*  
*Harnes* see *War.*  
*Harborers* see *Hofler.*

*Headbrough* see *Constable.*  
*Hedgbreakers* see *Trespas.*  
*Herring* see *Fish.*  
*Hearthmoney* see *Taxes.*

*Highwayes* see *Wayes.*  
*Hides* see *Leather.*

*Homicide* see *Coron.*  
*Horn* see *Trades.*  
*Horses* see *Catle.*  
*Horsebread* see *Corn.*  
*Hospital* see *Poor.*

*Hofler.*

*Harborer, Lodger, Innes, Viſuals, Inholder, Hay and Oats.*

Market overt.

I. **L**ambert 448. Inquiry in Sessions, if any Inholder, &c. or other Seller of Viſual, have not Sold the ſame at reaſonable prizes, 23 Ed. 3. 6. & 13 R. 2. & *Crompt.* 67. b. 91. b.

II. *Lambert* 4. cap. 4. pag. 4. 465. Inquiry on 13 R. 2. 8. § 1. N. 6. & 32 H. 8. 41. § N. If any Inholder dwelling in any City, Town Corporate, or



or Market Town wherein is any Common Baker that hath been Appren-  
tice there Seven years, have within his own house made any Horse Bread :  
or dwelling in any other Thorow-Fair, have made it insufficiently, and  
not of due Affize, *Crompt. 90. a. 91. b.*

III. *Lambert 465.* If any Inholder have taken any thing for Litter, or  
have taken excessively for Hay, or have taken above one Half-Penny in a <sup>Fees.</sup>  
Bushel of Oats over the Common Price in the Market, 13 R. 2. 8. § 1. N.  
8. 4 H. 4. 25. § N. & 21 Jac. 21. *Crompt. 91. b.*

IV. *Dalt. 25. cap. 7.* Every Keeper of Tavern, Keeping also an Inne or <sup>Ale.</sup>  
Vicuallling in his House, and every Inkeeper &c. which shall suffer any  
Townsmen, or any Handycrafts man, or Laborer working in the same  
City or Town, to remain and continue Drinking in their said House (ex-  
cept such as shall be invited thither by a Traveller, and during his ne-  
cessary abode there, &c. except allowed by two Justices of Peace, the  
said offence being seen by any Justice of Peace within his Limits, or con-  
fessed or proved by one Witness on Oath, Forfeit 10 s. 1 Jac. 9. § N.  
*Crompt. 77. b. 78.*

V. *Dalt. 27. cap. 7.* Now no person may come to Tiplein any such Ta-  
verno, or in any Inn, &c. in the same Town where he dwelleth, nor dwell-  
ing within two Miles thereof, except he be a Traveller, and so Sir *Francis Harvey* Knight delivered it in his charge at *Cambridge* Summer Affizes,  
*Anno 1629.*

VI. *Dalt. 28. cap. 7.* If a Common Inholder, &c. will not Lodge a <sup>Wayes.</sup>  
Traveller, any Constable or Justice of Peace, may compell him thereto:  
But how the Officer shall compell him, *Quare*, It seemeth that all the Offi-  
cer can do, is either to cause such Alehouse Keeper to be suppressed, or  
else to present such Offence of an Inn-Keeper at the Affizes or Sessions of  
the Peace, that so such Offender may be thereupon Indicted, see the Com-  
mission. And at *Lent* Affises *Anno 1622.* Sir *James Leigh* Lord Cheif Ju-  
stice of B. R. delivered it in his Charge, that an Innkeeper &c. might be  
Indicted, Fined, and Imprisoned for the same; or else that the party grie-  
ved might have an *Action S. Case Br. 76. 92.* against the Innkeeper refusing  
to Lodg him, *Kell. 50. 14 H. 7. 22. b.*

VII. *Crompt. 77. ab. Nota*, That it hath been agreed, that such Inns that  
have been newly erected since the Statute 5 & 6 Ed. 6. 25. and were not <sup>Licence.</sup>  
Innes before, must have Licences as Alehouses shall have, and this was put  
in ure upon an Indictment Traverst and Tryed at the Affizes in *Suffex*  
about 16 Eliz. as I have heard by him that was Counsel with the party In-  
dicted, *Dalt. 31. cap. 7.*

VIII. *Hales Pleas of the Crown, 146.*

*Hospitals, and Houses of Correction* see *Poor*.

*Hue and Cry* see *Fresh Suit*.

*Hundred* see *Franchise, Constable, Sheriff*.

*Hunting* see *Forest*.

*Husband* see *Baron & Feme*

## Husbandry.

### Tillage, Aprovevement

Abby.

I. *Lambert* 463. Inquiry in Sessions, if any owner of any Scite or Precinct, and Demeans of any late Dissolved Religions House, that was in yearly value under 200 *l. per Annum* do not keep an honest and continual household thereupon, 27 H. 8. 28. § 9. N. 1. *Lambert* 600. *Crompt.* 96. b. 124. b.

Leases.

II. *Crompt.* 96. b. Inquiry if any takes in Ferm any house to which any Land belongs above two such holds in one Vill or Hamlet; or if any hath occupied two such holds in one Vill or Hamlet, and doth not inhabit in the same Parish, he shall Forfeit for every week 3 s. 4 d. *Fitzh.* J. P. 128. 25 H. 8. 13. § 14. N. 2.

Justices.

III. *Lamb.* 612. I will not gainsay, but that the Justices of Peace may at any Special Session of the Peace give in Charge all such Statutes as do give unto them a general power of Enquiry, without using mention of restraint to any Sessions as 25 H. 8. 13. § 5. N. 1. of Sheep.

Cattle.

IV. *Lambert* 464. Inquiry at Sessions if any person have at once kept above the Number of 2000 Sheep of all sorts, against 25 H. 8. 13. *Crompt.* 125. b.

V. *Crompt.* 152. Such Proceſs shall be awarded against him who is Indicted upon 25 H. 8. 13. Concerning the keeping of Sheep above a certain Number, as is used in Trespaſs Presented before the Justices of Peace.

Days.

VI. *Crompt.* 193. b. The party must begin his Action of Debt, Bill, Plaint or Information within the year, and his Presentment or Information for the King, shall be taken within 3 years after the offence Committed, against 25 H. 8. 13. § 6. N. 1. of Sheep.

Justices.

VII. *Lamb.* 463, 464. Note that the Offences against the Statute of Husbandry and Tillage 39 *Eliz.* 2. (which extendeth not to *Kent, Essex, Sussex*, and many other Shires, nor to the greatest part of *Wales*) are inquirable and determinable at the Quarter Sessions, but I leave them to Justices of those Shires in which they have Force, *Lambert* 601.

VIII. *West. Symb.* 2. part 131. Sect. 208. An Indictment for converting Tillage into Pasture, or for Coneys, &c. 6 H. 8. 5. § N. *Pract. Preced.* 94, 95.

*Essex ff.* Juratores pro Domino Rege supra Sacramentum suum presentant quod H. W. de A. in Com' E. Gen. primo die Novembr' Anno Regni &c. Seisitus existens in Dominico suo ut de feodo de & in 12 acras terræ Arabilis in A. predict' in Com' E. predict' jacentibus ac de (aut in) aliqua libera Warrenna non existent sed per spaciū 4 Annorum dict' primum diem Novembr' An. supradict' proxime Precedent' in cultura & seminat' Granorum usitatis & applicatis dicto primo die Novembr' An. supradict' ac diversis

diversis aliis diebus & vicibus antea & post predict' 12 acras terræ Arabilis a cultura predict' & sationem Granorum usque ad hunc diem presentem in pastura pro cuniculis custodiend' convertebat & adhuc convertit & custodit ad Grave Nocument' *J. R. R. T. & W. M. de A. predict' in Com' E.* predict' vicinorum ibidem existent' ac contra formam diversorum Statutorum in hujusmodi casu provisorum & editorum.

IX. *West. Symb.* 2. part 131. Sect. 209. An Indictment of decaying houses of Husbandry, and converting Tillage to Pasture, &c. 6 H. 8. 5. § N. *Crompt.* 2. 7. b. pl. 85. *Pract. Preced.* 96.

*Essex ff.* Inquiratur pro Domino Rege (si) *J. K.* nuper de *T.* in Com' *E.* Gen' primo die Octob. An. &c. seiscitus in Dominico suo ut de feodo de & in 8 Messuag' Agriculturæ in *T.* predict' in dicto Com' *E.* in quibus septem seperales Agricolæ Angl' vocat' *Husbandmen* adtunc inhabitabant, ac de & in tricent' Acris terræ Arabilis in *T.* predict' in dicto Com' *E.* in cultura & seminatione Granorum usitat' & applicat' adtunc existent' de quibus triginta acrae ad minus cum quolibet dictorum Messuag' adtunc seperatim occupat' & usitat' fuerunt & quod predict' *J. K.* leges & Statuta hujus Regni Angl' Parvi pendens dicto primo die Octob. Anno &c. supradict' ac diversis aliis diebus ac vicibus antea & postea pro proprio lucro & singulari commodo suo tres agricolas dictorum septem de tribus de predict' septem Messuagiis adtunc expulit & amovit & eadem tria Messuagia absque aliquo Inhabitant' sive aliquibus Inhabitantibus in eisdem irreparat' stare & in decasum & ruinam cadere adtunc & deinceps usque diem captionis hujus inquisitionis voluntarie causavit & permisit insuper quod predict' *J. K.* die & Anno supradict' ac diversis aliis diebus ac vicibus antea & postea centum acras predict' trecentarum acrarum terræ Arabilis jacent' & existent' in *T.* predict' in Com' *E.* predict' tum Fossat' & sepibus vicinis inclusit & illas abinde a cultura Agriculturæ & seminatione Granorum usque diem captionis hujus inquisitionis in pastura convertebat & custodiebat & adhuc convertit & custodit in malum & perniciosum exemplum aliorum ac contra form' diversorum Statutorum in hujusmodi casu edit' & provisi, &c.

*Ideot and Infant* see *Enfant.*

*Jesuits* see *Pope*

*Idleness* see *Poor.*

*Jews* see *Religion.*

*Images* see *Religion.*

*Imbezilment* see *War.*

*Imbraceors* see *Enquest and Maintenance.*

## Imprisonment.

*Habeas Corpus, Capias, Arrest, Process, Mittimus, Bail, Prisons, Goals, Commitment.*

I. 9 H. 3. 29. *Magna Charta.* No Freeman shall be taken, Imprisoned, *Process;* or otherwise destroyed, but by Lawfull Judgment of Peers, or by the Law of the Land, *Dalt.* 336. cap. 118.

II. *Lamb.* 2. cap. 2. pag. 90. The Officer ought also to require the party *Peace;* to come and find Surety of the Peace before that he do Arrest him, by 5 *Ed.* 4. 13. and in truth the Common Form of the Precept of the Peace is, and if he refuse &c. then he shall convey him to the Goal, and therefore if he yield to come and to find Surety, the Officer may neither absolutely Arrest



Arrest him, nor take any Fee, &c. and this may be the cause, that when one appeareth upon such a Warrant before the Justice of Peace, the Justice needeth not to demand Surety of him, but may commit him if he do not offer Surety, 4 H. 7. 9. *Lambert* 93. *Crompt.* 171. b. *Dalt.* 335. cap. 118.

III. *Lambert* 90, 91. If a Bailiff do Arrest a man for the Peace before that he have any Warrant, and then afterwards do procure a Warrant for it, this nevertheless is unlawfully done, &c. *Crompt.* 172. *Dyer* 244.

Constable.

IV. *Lambert* 132. If a Constable, or such other Officer, do see a man endeavouring to make an Affray, he may command them to avoid, upon pain of Imprisonment, and if the Affray be great or dangerous, he may make Proclamation, and may command the parties to Prison for a small time, till their heat be passed over, and then he must deliver them without any Fine taking.

Affray.

V. *Lambert* 133. If any of the Affrayers be in danger by reason of a hurt received in the Affray, then ought the Officer to Arrest and carry the other to the Goal, untill he shall find Surety to appear at the Goal Delivery.

Constable.

VI. *Lambert* 133, 134. And yet when the Constable hath taken an Affrayer, he may not Imprison him in his House but in the Stocks, and that not above such a reasonable time as he may provide to convey him to the Goal till he find Surety for the Peace, 3 H. 4. 3. 22 *Ed.* 9. 35. and herein he differeth from a Goaler or the Sheriff who hath the charge of the Goal; for he may make a Goal of his Mansion House, and so cannot a Constable or Justice of Peace do, for by 5 H. 4. 10. § 1. N. 2. the Justice of the Peace must send his Prisoners to the Common Goal, and you may read, (*Br. f.* 72.) that the Sheriff in his Turn used to Inquire of those which made Prisons in their private Houses, 3 *Cr.* 8. 29. *Crompt.* 169. b.

Justices.

VII. 3 *Cr.* 8. 29. pl. 35. *Scamage and Tateham, Hill.* 43 *Eliz. Rot.* 1831. False Imprisonment in London from 10 Septemb. unto 29 Septemb. Defendant Justifies as Mayor and Justice of Peace of P. that Robbery was Committed, and the Plaintiff suspected and brought before him, and because he seemed suspicious, he deteyned him in his house during that time, &c. to examine him, and one Pole who was not apprehended, &c. and after on 29 Septemb. delivered him over to the New Mayor, and Traverseth the Imprisonment in London, and thereupon Demurrer, and adjudged that the Inducement to the Traverse was not good; for a Justice of Peace can. not deteyn a person suspected in Prison, but during a convenient time only to examine him, which the Laws intends to be three days, and within that time to take his Examination and send him to Prison; for he ought not to deteyn him as long as he pleaseth, &c. neither ought he to deteyn him in Prison in his own house, but he is to Commit him to the Common Goal of the County; for otherwise when the Justices come to deliver the Goal, he is not in the Goal, and may not be delivered, and so should lye longer then is reasonable, see 2 *Ed.* 4. 8. 3 H. 4. cap. 10. and here he took not any Examination, but delivered him over to the New Mayor without Examination, which was not Lawfull.

Dayes.

VIII. *Crompt.* 169. b. A man cannot keep in his house or Custody him that is taken for suspicion of Felony, above a day and a night, and then must send him to the Kings Goal, on pain of Ransome, by *Britton* 19. cap. 11. & 20 *Ed.* 4. 6. *Faux Imprisonment Br.* 27.

Sheriffs.

IX. *Lambert* 429. Inquiry on 4 *Ed.* 3. 10. § 1. N. 2. If any Sheriff or Goaler have denied to receive Felons by the Delivery of any Constables or Townships, or have taken any thing for receiving of such, *Dalt.* 341. cap. 18.

X. *Lambert Constable* 18. But this is to be marked that, &c. where such an Officer hath Arrested, or hath in his Ward any Offender that ought to be

be carried to the Goal there, such an Officer is not bound forthwith to carry him, but may well for a reasonable time keep him in the Stocks untill that convenient provision of strength may be made to convey him safely thither, and when he shall bring such Offender to the Goal, then ought the Goaler to receive the same freely, without taking any thing of the Officer for it, *Crompt.* 169. b.

XI. *Crompt.* 176. b. § 17. The Vill shall be charged to carry the Prisoner *Process.* to the Goal, 4 *Ed.* 4. cap. 10. *Crompt.* 170. *Coron.* 328. *Costs Br.* 4. and it seemeth that it shall be at their charge where its prayed, See the Statute, 14 *Eliz.* 5. § N. For carrying Rogues to the Goal, See 10 *Ed.* 4. 7. *Dalt.* 340. cap. 118. & 3 *Jac.* 10. § 1. N. 2.

XII. *Dalt.* 340, 341. If a man be Arrested for Felony, and the Constable shall carry him to the Goal, and the Goaler will not receive him, the Constable must bring him back to the Town where he was taken, and that Town shall be charged with the keeping of him untill the next Goal Delivery, by the opinion of 10 *H.* 4. 7. *Escape* 8. or the Constable or other party that Arrested him, may in such case keep the Prisoner in his own house, as it seemeth 11 *Ed.* 4. *Faux Imprisonment, Br.* 25. *Constable.*

XIII. *Crompt.* 170. b. The Justice commands one to Arrest another, *Justices.* who doth it in presence of the Justice; this is an Arrest by the Justice himself and needs no Warrant, &c. 14 *H.* 7. 8. otherwise it is of the King, tho it be in his presence, *per Curiam*, if he hath no specialty 16 *H.* 6. *Monstr.* 182.

XIV. *Crompt.* 170. b. False Imprisonment against a Justice of Peace for Imprisonment of one without a cause, *Dyer* 275. & 2 *Inst.* 591.

XV. *Crompt.* 171. Imprisonment almost in all Cases, is but to retein *Amerciament.* him untill he hath made a Fine, and if he offers his Fine, he ought to be delivered presently, and the King cannot justly retein him in Prison, after the Fine tendered. *Imprisonment Br.* 100. which saith that it was so determined in Parliament, *Ann.* 2. *Mar.* 1. But if the Statute gives Imprisonment, there he shall remain by discretion of the Court where the time is not limited in certain by the Statute, 13 *H.* 7. & 34 *H.* 6. 24. *Crompt.* 172. b. *Dalt.* 34. 1. cap. 118. & 11. *Co.* 43.

XVI. *Crompt.* 171. *Nota per Thorpe.* It is an Imprisonment in any Case *Arrest.* where a man is Arrested against his Will, tho it be in the High Street, or elsewhere, tho he be not Imprisoned in any House 22 *Aff.* 8. 5. *Crom.* 38. *Dalt.* 335. cap. 18. *Crompt.* 38. § 1. *Dalt.* 271. cap. 106.

XVII. *Crompt.* 172. Justices of Peace, and Head Officers may resort to a place suspected, and Imprison the Keepers of Common places of Bowling, Tenice, Dicing, Carding, or other Unlawfull Games, and those who play there, untill they have found Surety by Recognizance to the King to leave it, by 33 *H.* 8. 9. § N. *Games.*

XVIII. *Crompt.* 172. ab. Justices of Peace, and other head Officers who find or know any person using or exercising any Unlawfull Game against the Statute 33 *H.* 8. 9. § N. may commit such Offender to Custody without Bayl or Mainprise, untill he be bound by Obligation to the Kings use, that he will not use such Unlawfull Games, &c.

XIX. *Crompt.* 172. b. Such who keep Common Alehouses without being Licensed, the Justices may Commit to Prison without Bayl or Mainprise, by the space of three days, and before his delivery he shall be bound with two Sureties, that he shall not keep any Common Alehouse, &c. *Ale.*

- peace. XX. *Crompt.* 1. 172. b. A Justice of Peace may arrest one to find surety of the Peace, and afterwards let him go without being bound to the Peace, and yet the Party shall have no Remedy for this Imprisonment, for it is for his advantage, and he is a Judge of Record, *Fitzb.* J. P. 10. & 9 *Ed.* 4. 3.
- Dignity. XXI. *Dalt.* 333. cap. 18. The Justices of Peace are not to grant their Warrants for the Peace or the like, against any Noble-man, but against Ecclesiastical Persons they may; in some Cases a Feme-covert may be imprisoned by the Justices of Peace, for a Force or a Riot; but an Infant, though of years of Discretion, yet he shall suffer no Imprisonment, nor other corporal Pain for any Offence committed or done by him against any Statute, except that an Infant be expressed by name in the Statute. Imprisonment, *Br.* 101. Coverture 68. *Com.* 364. *Dr. & Stud.* 147, 148. *Lamb.* 81, 82.
- Coron. XXII. *Dalt.* 336. cap. 118. For Misdemeanours done against the Kings Peace, as for Treason, Felony, or breaking of the Peace, &c. the Offenders as well by the Common Law, as by divers Statutes, may be arrested and imprisoned by the Officers of Justice, and sometimes by private Persons without either Presentment, Process, Precept, Warrant, or other Commandment, and these being by the Law of the Realm, are warranted by the aforesaid Statute of *Mag' Chart'* 9 *H.* 3. 29.
- Arrest. XXIII. *Dalt.* 337. cap. 118. Any man suspecting another of a Felony committed, or only intended, may arrest him, so as thereupon he commits him to the Goal, or carryeth him before a Justice of Peace, 9 *Ed.* 4. 26. & 20 *Ed.* 4. 6. *Finch.* 340. *Dalt.* 338. *ibid.*
- Suggestion. XXIV. *Dalt.* 338. cap. 118. The Justice of Peace upon his own motion and Discretion, or upon Complaint, may also grant out his Warrant for the arresting or conventing before him all such Persons as shall break, or go about to break the Peace, or as he shall suspect to be inclined to break the Peace, and may commit them to Prison, if they shall refuse to find, or cannot find Sureties for the Peace or Good-behaviour.
- Process. XXV. *Dalt.* 339. cap. 118. Whosoever the Justice of Peace hath Power or Authority given him by any Statute to bind over any man, or to cause a man to do any thing, it seemeth such Justice may send such person to the Goal there to remain till he shall perform the same.
- Lieu. XXVI. *Dalt.* 339. cap. 118. None shall be imprisoned by any Justice of Peace, but only in the common Goal by the Statute 5 *H.* 4. 10. § 1. N. 2. & 23 *H.* 8. 2. and therefore Justices of the Peace cannot commit Felons to any of the Counters in *London*, nor to other Prisons which be no Common Goals, nor make a Goal of their own Houses, but in some Cases may commit to the Stocks, as for Tipling, &c. and in some Cases to houses of Correction, as Rogues, &c.
- Fresh Suit. XXVII. *Dalt.* 340. cap. 118. The Justice of Peace, Constable, or other Officer pursuing a Felon into another County, takes him there, the Felon shall be committed to the Goal of the County where he was taken, for the Justice of Peace, &c. being out of the County hath no more Authority than a private man, Fresh suit, *Br.* 3. *Com.* 37.
- Days. XXVIII. *Dalt.* 341. *ibid.* When a Statute doth appoint Imprisonment, but limits no time when the Offender shall be imprisoned, then he is to be imprisoned presently, as in Case of a Force, the Justices of Peace upon view thereof ought to commit the Offenders presently, for after they may not commit them.



XXIX. *Lambert* 2. cap. 7. pag. 226. And of like Condition (*viz. Universal and against the Common Wealth*) be those Felonies that do grow by the breaking of Imprisonment for any Felony, the which also are grounded chiefly upon 1 *Ed.* 2. Stat. 2. pag. 76. *de frangent' Prisonam*, and are so restrained to Felony by it, whereas at the Common Law he was generally a Felon that brake the Prison, although the cause were no Felony for which he was Committed thither, *Dalt.* 170. cap. 105. Escape.

XXX. *Lambert* 227. *ibid.* In the Prisoner himself it is most properly called *Rescous*, a breach of Prison, in another that helpeth the Prisoner to get away it is called *Rescous*, and in the Officer, &c. by whose wilfull default he is suffered to go, an *Escape*.

XXXI. *Lambert* 419. Inquiry on 1 *Ed.* 2. Stat. 2. pag. 76. If any person Imprisoned for Felony have broken the Prison: or if any other person have broken the Prison for such a Prisoner by which he Escapeth; or if any Goaler have willingly suffered such a Prisoner to Escape; and if any person being Arrested for Felony, and by whom, 2 *Inst.* 591. Escape.

XXXII. *Lamberts Precedents* 12. pl. 31. Indictment for a wilfull *Rescous* of one Imprisoned in the Stocks for Felony.

*Kanc. ff.* Juratores pro Domino Rege (super sacramentum suum) presentant quod 20 die Junii Anno &c. quidam A. B. nuper de C. in Com' predict' Glover, apud C. predict' in Com' predict' captus est & Arrestatus per E. F. de C. predict' in Com' predict' Yeoman pro suspitione cujusdam Feloniae, viz. unius Vacca ipsius E. F. per prefat' A. B. felonice utidem E. F. tunc afferebat captæ & abductæ & quod idem A. B. immediate postea Traditus est per prefat' E. F. cuidam H. M. tunc Constabulario Hundredi de N. in quo Sita est Villa de C. predict' qui quidem Constabularius apud C. predict' in Com' predict' postea viz. &c. eundem A. B. in Prisons in Cippis ibidem posuit ad eum salvo ibidem custodiend' donec idem Constabularius parare posset Auxilium ad ducendum eundem A. B. coram aliquo Justiciariorum pacis dicti Dom' Regis in Com' predict' examinand' & quod postea scil. &c. die & Anno &c. quidam G. L. de C. predict' in Com' predict' Glover apud C. predict' in dicto Comitatu vi & armis Cippos predictos effregit ac eundem A. B. tunc ibidem existent' ex eisdem custodia Prisons & Cippis felonice cepit eripuit & rescussit ac ad largum ire & evadere permisit contra pacem dicti Domini nostri Regis Coronam & Dignitatem suas. *Crompt.* 38. b. § 8. *Dalt.* 271, 272. cap. 106.

XXXIII. *Lamberts Precedents* 12. Pl. 32. An Indictment for breaking of Prison, *Crompt.* 107. § 17.

Inquiratur pro Domino Rege si W. H. de C. in Com' predict' Yeoman unus Constabulariorum dicti Domini Regis Hundredi sui de T. in Com' predicto in quo quidem Hundredo Sita est villa de C. predict' quendam R. B. nuper de C. predict' in Com' predict' Taylor 20 die September Anno &c. apud C. predict' in Com' predict' pro suspitione cujusdem Feloniae viz. pro morte cujusdam M. N. apud H. in Com' predict' felonice interfecti cepit & arrestavit & ea de causa idem R. B. sub custodia dicti W. H. Constabularii in Prisons dicti Domini Regis apud C. predict' in Com' predict' postea scil. dict' 20 die Sept. Anno supradict' fortiter & duriter detentus fuit ac idem R. B. tunc ibidem sic detentus postea, viz. dict' die & Anno apud C. predict' in Com' predict' vi & armis predictam Prisonam ibidem felonice fregit ac extra custodiam dicti Constabularii tunc ibidem contra ejus voluntatem felonice evasit contra pacem dicti Domini Regis nostri nunc Coronam & Dignitatem suas, necnon contra form' Statuti in hujusmodi casu editi & provisi.

XXXIV. *Crompt.* 49. b. Inquiry also shall be of them who are in Prison *Escape.* for Felony, or suspition of Felony, and break the Prison, this is Felony by

by 1 *Ed.* 2. Stat. 2. pag. 76. *de Frangent' Prisonam*, and its not material whether he were guilty of the Felony or not, *Stamff.* 32. *Fitzh.* J. P. 116. & 24 *Ed.* 3. 42. & 50. and so where they escape going to the Goal, *Crompt.* 107. § 16.

Coron.

XXXV. *Dalt.* 271. cap. 106. One committed to the Constable by the Justice, for suspicion of Felony, making an Escape from the Constable was after taken again and Indicted and Arraigned for that Felony, and by the Jury of Life and Death was Found not Guilty of that Felony: and after was Indicted for the Escape, but here considering the Prisoner was found not Guilty for the first Felony, therefore his Escape from the Constable was holden not to be Felony, and so I have known the Jury directed by the Judge of Assize.

Rescous:

XXXVI. *Dalt.* 272. cap. 106. By some Opinions if a stranger shall disturb the Arresting of a Felon, it is no Felony except the Felon were taken and Arrested, and after Rescued, 9 *H.* 4. 1. *Coron* 333. *Stamff.* 33. yet *Fitzh.* J. P. 114. saith that such disturbance before Arrest is Felony.

Procefs.

XXXVII. *Lambert.* 294, 295. Such Justice of Peace as Committed for any offence, any person to Prison, refusing to defray the Charges for conveying him thither, may give his Warrant to the Constable to Sell such of the Offenders Goods as will satisfy the same Charges, and if the Offender have no Goods, the Parish where he was apprehended shall be Taxed according to this Act, and the Goods of every person Assessed refusing to pay the same by Warrant from the said Justice of Peace, or any other near adjoining to the Constable, &c. shall be distrained and Sold for levying the same Taxation, 3 *Jac.* 10 § 1. N. 3.

XXXVIII. *Lambert* 218. The Mittimus of the Prisoner for Felony after his Examination taken, &c.

*Kent ff.* J. S. Knight, one of the Justices, &c. to the Keeper of his Majesties Goal at M. in the said County, &c. Greeting, I send you herewithal the Body of A. B. late of C. Laborer, brought before me this present day, and charged with the Felonious taking of 20 Sheep (which also he hath confessed upon his Examination before me, and therefore these are on the behalf of our said Sovereign Lord to Command you, that immediately you receive the said A. B. and him safely keep in your said Goal, untill he shall be thence delivered by due order of his Majesties Laws: Hereof fail you not, as you will answer for your Contempt at your own Peril. Given at, &c.

XXXIX. 2. *Inst.* 591. Hereupon it appeareth that the Common Warrant or Mittimus to answer to such things as shall be Objected against him, is utterly against the Law.

Poor:

XL. And it was toucht 10 *Ed.* 4. 18. pl. *Surety Br.* 26. that Stocks were ordained in the Villis for the taking of Vagrants who would not serve, &c.

*Indiament*

Indictment.

*Indictments, Traverse, Process, Pleading, Action, Appeal, Information, Aprovevement.*

I. *Lambert* 20. & 21. And whether the Authority and power of these Justices Wardens were then also with this alteration, 1 *Ed.* 3. 16. § N. any thing increased or no I will not affirm, but I find 3 *Ed.* 3. *Coron* 360. That an Indictment of Murder was found before one Warden of the Peace only, and that thereupon he wrote his Letter or Precept to the Sheriff to apprehend the person Indicted who took and brought him before the Justices in *Eyer*, and that they also thereupon proceeded to the Arraignment and Tryal of him.

II. 4. *Ed.* 3. 2. § 1. N. 6. And the Justices assigned to deliver the Goals, shall have power &c. of those that shall be Indicted before the Keepers of the Peace, and the said Keepers shall send their Indictments before the Justices, &c. Certiorari.

III. 25 *Ed.* 3. & 3. cap. 9. § 1. N. 2. The King will that his Justices shall not Impeach the Ordinaries nor their Ministers, because of such Indictments of general Extortions and Oppressions, unless they say and put in certain, in what, and in what manner, &c. Ordinary.

IV. 11 *H.* 4. 9. § 1. N. 4. And if any Indictment be made, viz. by denomination of Party, or without due Return of Enquest by Sheriff, &c. that the same Indictment be void &c. *Poult. de Pace* 172. § 7. Enquest.

V. 1 *H.* 5. 5. § 1. N. 1. That in Appeals and Indictments where Exigent shall be awarded, Additions shall be made of their Estate or Degree, or Mystery, and of the Towns or Hamblets, or places and Countries of which they were or be, or in which they be or were conversant, *Lambert* 480, 481. Addition.

1 *Ed.* 4. 2. § 1. N. 4. (*viz.* That no Process shall be made by them) but that Sheriffs, and their Under-Sheriffs, Clerks or Bayliffs, and their Ministers, shall bring, present, and deliver all such Indictments and Presentments taken before them, or any of them, in their Turns or Law dayes, &c. to the Justices of Peace at their next Sessions of the Peace that shall be holden in the County where such Indictments and Presentments shall be taken, &c. *Lambert* 496. *Poult. de Pace* 169. b. 171. a. § 6. Sheriffs.

VII. 3 *H.* 7. 1. § 1. N. 14. That if any man be slain or Murdered, and therefore the Slayers, Murderers, Abettors, Maintainers and Comforters of the same, be Indicted, that the same Slayers, &c. and all accessaries of the same, be Arraigned and determined of the same Felony and Murder, at any time at the Kings Suit within the year after the same Felony and Murder done, and not tarry the year and day for any Appeal to be taken for the same Felony or Murder. Accessory.

VIII. 6 *H.* 8. 6. § 1. N. 3. and (*Justices of B. R.*) to command all Justices of Goal Delivery, Justices of Peace, and all other Justices and Commissioners to proceed upon all the Bodies, and Indictments so removed (and remanded from *B. R.*) after the course of the Common Law, as if never removed, &c. Justices.



Amendment.

IX. 37. H. 8. 8. § 1. N. 4. That these words *Vi* and *armis*, viz. *cum Baculis Cultellis Arcubus & Sagittis*, or such other like, shall not of necessity be put or comprised in any Inquisition or Indictment. *Crompt.* 102. § 20. *Lambert* 494. *Dalt.* 401. cap. 131.

Days.

X. *Lambert* 4. cap. 4. pag. 479. This also is generally true, That all Bills, Informations and Indictments grounded upon penal Statutes, wherein the Prince only is to reap the Forfeiture ought to be commenced within two years next after the Offence committed, and if the Suit be given to any other person for himself and the Prince, that ought to commence for the Prince within two years, and for every common person within one year next after the Offence done, and otherwise it is meerly void, unless shorter time be limited by that special Statute upon which the Information, Indictment or Presentment is made and framed, as it is by 13 *Eliz.* 5. of Husbandry, and 39 *Eliz.* 1.

Amendment.

XI. *Lambert* 479, 480. All Indictments forasmuch as they be in Nature of Declaration, ought to contain Certainty, and therefore, as saith Mr. *Marrow*, five principal things be most commonly requisite in Presentments before the Justices of Peace: 1. The Name, Surname, Addition of the party Indicted: 2. The Year, the Day and Place in which the Offence was done: 3. The Name of the Person to whom the Offence was done: 4. The Name and Value of the thing in which the Offence was committed: 5. The Manner of the Fact, and the Nature of the Offence, Treason, Murder, Felony or Trespas. *Dalt.* 402. cap. 131.

Exposition.

XII. *Lambert* 492, 493. In an Indictment of Murder, *murdravit* is necessary, *Crompt.* 101. § 4. of Burglary must be *burglariter*, &c. *Crompt.* 106. § 12. of Rape *quod felonice rapuit*, &c. *Dalt.* 403. cap. 131.

Acc. S. Stat.

XIII. *Lambert* 494, 495. And if the Indictment be founded upon a Statute, it ought to say *contra form' Statuti in hujusmodi casu editi & provis'*; or when many Statutes do concern one Offence, as in the case of Liveries and such like *contra form' diversorum Statutorum* without special naming of any, and then the best shall be taken for the King. *Crompt.* 104. § 49. but an Indictment of a Riot without saying *contra formam Statuti*, &c. is not good, because *Crompt.* 102. § 18. it is no Riot but by that Statute (*viz.*) 13 H. 4. 7. and yet it is not of necessity. *Dalt.* 401. cap. 131. that the Statute be verbally rehearsed, but only that the Offence against the Statute be sufficiently, and with full words described, *Crompt.* 1. 79. *Dyer* 363. Again, it is not safe to recite the dayes or places of the beginnings, Continuances, and Prorogations or Dissolutions of the Parliaments, lest by mistaking any of them, the whole Indictment fall to the ground thereby; *Dyer* 203. *Crompt.* 104. § 51, 53.

Justices.

XIV. *Lambert* 4. cap. 5. pag. 496 Generally the Justices of Peace may receive Indictments before themselves of all Causes, being either within their Commission, or within the Statutes whereof they have to enquire.

Sheriffs.

XV. *Lambert* 496. And they may also receive Indictments taken before the Sheriff in his Turn lawful, that is to say, so that the Turn be holden within the Month after *Easter*, or within the Month after *Michaelmas*, 31 *Ed.* 3. 15. § 1. N. 3. that those Indictments or Presentments be indented and sealed between the Sheriff and the Jurors, 1 *Ed.* 3. Stat. 2 cap. 17. § 1. N. 1. and so that they be made by the Oath of twelve men at the least, 13 *Ed.* 1. W. 2 cap. 13. § 1. N. 2. and that these Jurors be of good fame and *Legales homines* that may dispend yearly 20 s. of Freehold, or 26 s. 8 d. of Copyhold, 1 *Rich.* 3. 4. § 1. N. 2. and for this purpose the said Statute, 1 *Ed.* 4. 2. § 1. N. 4. binds the Sheriff to certify the Justices of the Peace at their next Sessions, the Indictment found in his turn or Law-day, *Crompt.* 105. b. § 67. *Poult. de Pace* 170, 171.

XVI. *Lamb.*

XVI. *Lamb.* 496. *Ibid.* It seemeth also by way of admitting in 27 H. 8. Lect.  
2. Indictment Br. 1. that the like ought to be done of the Presentments of  
Felony in any Leet by vertue of 1 Ed. 2. 4. §. 1. N. 4. but that is further  
to be enquired of, for I find no better warrant for it, see *Kitch.* 8. b. they  
must be indented within 1 Ed. 3. St. 2 cap. 17. *Crompt.* 106. § 69.

XVII. *Lambert* 497. *ibid.* This is certain, that Justices of Peace ought Justices.  
to receive Indictments found in any Leets or Law-days upon the Statute  
made for the breeding of Horses, to which end also the Court-holders  
of such Leets or Law-days are bound to certify the same unto them with-  
in the space of forty days, &c. 32 H. 8. 13. § 8. N. 2.

XVIII. *Lamb.* 497. Justices of the Peace have none Authority to receive Justices.  
an Indictment of the killing of a man *se defendendo*, saith *Stanf.* 15. b.  
16. a. as he had heard say, but enquire further thereof, for though it be  
not Felony, as appeareth by the Statute of *Gloucester*, 6 Ed. 1. cap. 9. § 1.  
N. yet be there other words in their Commission § 9. extending to give  
them power to hear and determine of such an Offence, *Crompt.* 21. §. 3.  
in *Coron.* § 26.

XIX. *Lamb* 497. *ibid.* But they are not to receive an Indictment for Forests.  
the killing of a Hart purloin'd, for the jurisdiction of it belongeth to the  
Justices of the Forest, 21 H. 7. 30. *per Fineux.*

XX. *Lambert* 497. *ibid.* And as it seemeth they may reject an Indictment Records.  
that findeth any matter of record, as Utlary, or such like, unless it be  
shewed to the Jurors *sub pede sigilli*, for Jurors are to find matter in deed  
only, and not of record, 1 H. 7. 6. & 3. H. 7. 1. & 10.

XXI. *Lamb.* 497. *ibid.* And so if the Sheriff will offer Indictments of Sheriffs.  
Liveries, Ravishment of Women, or of Felonies by Statutes, or of such  
other Causes whereof they have no power to enquire in their Turns, the  
Justices of Peace ought to reject them, 4 Ed. 4. 31. & 18 Ed. 4. 5. 22 Ed.  
4. 22. & *Stanf.* 87.

XXII. *Lambert* 498, 499. And for that end viz. that the Justices of of- Justices.  
fice may see that Bills be sufficient, &c. 24 Ed. 3. 74. &c. It is the manner in  
some places to command, that the Enquest take no Bills, but only such  
as the Justices themselves have first perused; howbeit, as it is certain that  
the Enquest may safely do the contrary so long as the Bills do carry good  
matter and allowable form; so I will advise, that the Justices shall ra-  
ther peruse the Bills after that the Evidence shall be thereupon given to  
the Jury than to put their pens into them before that the Enquest shall  
be informed, taking it to be not only no hinderance at all to the Service,  
but also the most wary and secure way for the Justices themselves to  
walk; for tho 35 H. 6. 14. & 12 Ed. 4. 18. it be said, if a Bill of Indict-  
ment be delivered to a Justice of the Peace at or before the Sessions, which  
he promiseth to read, and to deliver to the Jury, and so doth accordingly  
that he shall not be charged for it in a Writ of Conspiracy, yet may it be  
thereupon doubted whether he shall be excused, if upon conference had,  
he do busie himself either to draw, engross, or amend the Bill before it be  
preferred to the Enquest that shall have it.

And seeing that the Justices do commonly receive the Bills from the En-  
quest with their exprels assent to amend any defect of certainty in the form  
only, and may also award a *Ven' fac'* against the Indictors, to amend a Bill  
upon their first Oath at any time before it be removed. 22 Aff. Indictment  
Br. 12. & 8 H. 5. 8. Indictment 28 *Stanf.* 97. a. so that the Business is not a  
whit impeached by this forbearance; there is no cause, as I think, for the  
Justices of Peace to anticipate the matter before the right time, but rather  
to leave the first drawing and ingrossing of the Bills to the Clerk of the  
Peace, or other Ministers of the Court, and after the Evidence given, than  
to consider whether they be formal or ought to be reformed, *Crompt.* 109.  
§. 1

- Justices. XXIII. *Crompt.* 101. § 1. The Court of Office ought to see that the Indictments be sufficient in matter apparent, *Lamb.* 498. & 24 *Ed.* 3. 74.
- Counsel. XXIV. *Crompt.* 105. § 56. The Defendant shall not have Counsel against the King in an Indictment of Felony, if it be not for matter of Law, otherwise it is in an Appeal, 9 *Ed.* 4. 22.
- Approvement. XXV. 105. *b.* § 61. An Approvement is as an Indictment, and he that is approved, shall be arraigned thereon; 21 *Ed.* 3. 17. but a Justice of Peace cannot take an Approvement, because he cannot assign a Coronor, 9 *H.* 6. 4. *Coron.* 457.
- Justices. XXVI. *Crompt.* 105. *b.* § 63. A Bill of Indictment upon any Trespas that is *contra Pacem*, or upon which a man shall have a Writ of Trespas upon the Case, for Deceit may be taken before Justices of the Peace, because the Writ is *contra Pacem*, *Fitzh.* J. P. 12.
- Suggestion. XXVII. *Lamb.* 4. cap. 6. pag. 500. In some cases these Justices may hear one another, for every Justice of Peace may upon his proper Knowledge make Presentment at the Sessions of any Offence done against 2 and 3 *Ph.* and *Mar.* 8. § N. and 5 *Eliz.* 13. § N. of High-ways, and in this, and such like Cases his Report hath the force of a Presentment of twelve men, so that he and his Fellows may proceed upon it, 21. *H.* 6. 5. *Crompt.* 125. *b.*
- Officer. XXVIII. *Lamb.* 500. *ibid.* Of like value is a Presentment made at the next Sessions by Searchers appointed to examine the true making of Tile, 17 *Ed.* 4. 4. § 1. N. 19. *Crompt.* 125. *b.*
- Constable. XXIX. *Lamb.* 500. *ibid.* And of some such like strength also as I think is the Presentment of the Constables concerning sundry Points contained in the Statute of *Winchester*, 13 *Ed.* 1. Stat. 2. cap. 6. § 4. N. 12. *Crompt.* 125. *b.*
- Ways. XXX. *Lamb.* 500. But I doubt whether any such force be in a Presentment there made by the Surveyors of the High-ways in the Weilds of *Kent*, &c. by order of 39 *Eliz.* 19. § 5. N. 3. for as I think that amounteth to none other, but only to give matter to the Justices of Peace to charge the Enquirers there withal.
- Suggestion. XXXI. 25. *Ed.* 3. Stat. 5. cap. 4. § 1. N. 2. None shall be taken by suggestion or Petition to the King or Counsel, unless it be by Indictment, and Presentment, &c. *Poult. de Pace* 148. § 7.
- Riot. XXXII. *Crompt.* 125. *b.* A Certificat to the King and Counsel by two Justices of the Peace, and the Sheriff or under-Sheriff, of a Riot that is not found by Jury, it shall be as an Indictment by 12, by 13 *H.* 4. 7. § N.
- Trial. XXXIII. *Crompt.* 125. *b.* A Presentment, Bill or Information against Drovers and Badgers on 5 *Eliz.* 12. § N. on Examination of two lawful Witnesses shall be as if he had been indicted by twelve men.

### Infant.

- Amercement. I. 32 *H.* 3. 24. Justices in Eyr shall not amerce Townships, because all being twelve years old, come not afore the Sheriffs and Coronors to make inquiry of Roberies, Burning of Houses, and other things pertaining to the Crown. So there come a full Enquest, &c. except for the death of a man whereas all being twelve years of age, ought to appear.
- War. II. 13. *Ed.* 1. *Winch.* Stat. 2. cap. 6. § 1. N. 2. Every man between fifteen years of age and sixty, shall be assessed and sworn to Armour according to the quantity of their Lands and Goods, 31 *Ed.* 1. pag. 71. § 1. N. 11. Articles on *Winch.* repeal'd, 21 *Jac.* 28. § 11. N. 44, 69.
- Apprentice. III. 21 *H.* 8. 7. § 2. N. 1. Provided that this Act (of Servants, Felony in Imbezelling Masters Goods above 40 *s.*) shall not be prejudicial to any Apprentice, or any person within the Age of 18 years, &c.



IV. *Dalt.* 82. cap. 31. By the Common Law such a Covenant or Retainer of an Infant under 12 years of age was void, but now by 5 *Eliz.* 4. § 25. N. 2. every Tiller of a Plow-land may receive Apprentice above Ten, and under Eighteen years of age, but 5 *Eliz.* 4. § 36. N. 1. none shall be bound to enter into any Apprentiship, other than such as be under 21. Covenant.

V. 43 *Eliz.* § 5. N. 1. That Church-wardens and Overseers by consent of two Justices, may bind poor Children Apprentices, until Men come to 24, and Women to 20. &c. Poor.

VI. *Dalt.* 199, 200. cap. 77. An Infant of the age of Eighteen years by his own act may commit a forcible Entrie or detainer; and so he may, though he be under Eighteen, if so be he be of age of Discretion (*viz.* of the age of Fourteen years,) see *Perkins* 10. b. pl. and it seemeth, the Justice may fine him therefore, but yet it shall be good Discretion in the Justice of Peace to forbear the Imprisonment of such Infants; Imprisonment *Br.* 43, 45, 75, 101. for an Infant shall suffer no Imprisonment or Corporal Pain for any Offence by him committed against any Statute wherein an Infant is not expressly named, 7 *Jac.* 6. §. N. Force.

VII. *Dalt.* 222. cap. 88. Also Women and Children may commit a force, may commit Larceny, and may be bound to the Peace, as Breakers of the Peace, *Dr. & Stud.* 147, 148. *Crompt.* 29. b. *Dalt.* 269. cap. 104. Peace.

VIII. *Lamb.* 2. cap. 2. pag. 79. An Infant, though within Fourteen years of age, may demand, and ought to have surety of the Peace, *Marrow*, and I do not find any strong reason why any man against an Infant above the age of Fourteen years, ought not, upon good Cause, to have it, though perhaps an Infant cannot be bound for himself, *Dalt.* 163. cap. 68. Goodbehaviour.

IX. *Dalt.* 236. cap. 92. If one that wanteth Discretion killeth himself as an Infant, &c. he shall not forfeit his Goods, *Crompt.* 29. b. Ideot.

X. *Dalt.* 247. cap. 97. If he that is casually slain be under Fourteen years of age, nothing shall be forfeited to the King, as a Deodand for him, as it seemeth *Coron.* 283. *Stanf.* 21. Forfeiture.

## Information.

*Suits, Acc. S. Stat. Actions, Indictment, Action popular Suggestion, Presentment.*

Suggestion.

I. *Amb.* 4. cap. 6. pag. 501. Albeit, we read, 1 *Ed.* 5. 6. that the Court of Chancery will sometimes both take Knowledge, and also award Proceſs upon an Information by word in the behalf of the Prince, and that 39 *H.* 6. 41. *ſurmiſe Br.* 3. alſo admitteth ſuch matter, yet I think that before Juſtices of the Peace theſe Suggestions and Informations both, be they by Word or Writing, are but of the force to ſtir up the Juſtices to recommend the Cauſe to the Enqueſt, and not to award any Proceſs upon them, unleſs it be in certain Caſes where that validity is eſpecially given them by the Statutes, &c.

Acc. S. Stat.

II. *Lamb.* 501. *ibid.* There was once a time, I confeſs, when Juſtices of the Peace might have awarded Proceſs upon an Information ( for the King only ) of the Offences againſt any Penal Laws, even as they may yet upon Indictments againſt the Peace, but that laſted not long, and therefore that Courſe is holden now in ſpecial Statutes only, 2 *Inſt.* 420.

Information.

III. *Lamb.* 502. *ibid.* Nevertheleſs at every Seſſions, ſaith Judge *Priſt* 35 *H.* 6. 15. the Juſtices of the Peace do uſe to make Proclamation, that if any will inform for the Prince, he ſhall be heard, and thereupon any man may come in, and may both inform the Juſtices of the Peace, and give Evidence to the Enqueſt without Danger of Conſpiracy, by the opinion of the Court.

Addition.

IV. *Lamb.* 502. *ibid.* In this Information the Statute of Additions, 1 *H.* 5. 5. ſeemeth upon the bare words to have no place, for Informations be not mentioned in it, and upon that reaſon the Court, 13 *H.* 7. 21. *Addition Br.* 67. did hold it clear, That if Reſcous be returned by the Sheriff againſt certain Perſons without their Additions, yet in that Caſe they may well be outlaw'd upon it.

Evidence.

V. *Lamb.* 502, 503. *ibid.* The other Compulſory Information groweth by Examination of Witneſſes called into the Court, and is ſet forth in the Statute of Drovers, 5 *Eliz.* 12. § 8. N. 1. where it appeareth, that upon the Examination of two lawful Witneſſes the Juſtices of Peace may make Proceſs, as if it were upon an Inquiſition of twelve men, the like might be done upon 4, & 5. *Ph. & Mar.* 2. § 8. N. 2. of Armour, and the very like alſo may they do upon 5, & 6 *Ed.* 6. 14. §. 10. N. 1. which laſt Statute ſeemeth for this point to have been followed as a Pattern by the other two, ſo rightly they tread in the ſteps of the ſame; hereto alſo you may add the Examination of the Maſter and Mariners for Transporting Corn and Victuals againſt 1, & 2 *Ph. & Mar.* 5. § 6. N. 1.

Suits.

VI. *Lamb.* 503. Now of thoſe that ſeek to inform the Court for Profit enſuing to themſelves alone, the Knowledge that cometh this way is by the private Suit and proper Action of the Party, and is therefore in 11 *H.* 6. § 1. N. 1. termed a Suit between Party and Party, whereof that Statute had no leſs Conſideration than of thoſe other Suits that be for the King himſelf, and therefore provided that they alſo ſhould not be diſcontinued by new Commiſſions of the Peace to be made.

Parliament.

VII. *Lamb.* 504. *ibid.* The Juſtices of Peace have power to enquire here, and determiné of all the Defaults againſt the Statute, 23 *H.* 6. 11.

§. 3. N. 1. concerning the levying the wages of Knights of the Parliament as well by Enquiry at the Kings Suit, as by Action at the Suit of the Partry; so may they hear and determine by Information Action of Debt or Bill, the Offence against the Statute of Laborours, 5 *Eliz.* 4. § 39. N. 2. And likewise by Information, or any other Action the Offences against 5 *Eliz.* 21. § 6. N. 1. of taking Fish, Deer, or Hawkes, &c. in which, and such like, the Justices of Peace ought to proceed after the usual manner of other Courts of Record at the Common Law, if I do not mistake it, and therefore I will go no further with it, &c.

VIII. 3 *H.* 7. 1. § 1. N. 4. The Justices of Peace of every Shire may take by their Discretion, an Enquest, whereof every man shall have 40s. per Annum at least, to enquire of the Concealments of other Enquests taken afore them, and afore other of such Matters and Offences as are to be enquired and presented before Justices of the Peace, whereof Complaints shall be made by Bill or by Bills, as well within Franchises as without, *Lamb.* 396. Enquest.

IX. 2, & 3 *Ph. & Mar.* 3. § 3. N. 2. Moity of forfeiture for not rearing Milch-Kine, &c. to party, that within one year after the Offence committed, will sue for the same in any Courts of Record, or before the Justices of Peace in the same Shire where Forfeiture shall be had at the General Sessions, who shall have power to hear and determine the same Offences by Bill, Information, Presentment, Action of Debt or Detinue, &c. *Crompt.* 126. Cattel.

X. *Lamb.* 4. cap. 3. pag. 396. And because the Jurors of those dayes, (*viz.* 3 *H.* 7. 1. § 1. N. 4.) were wilful in their Concealments, it was provided within eight years after (*viz.* 11 *H.* 7. 3. § 1. N. 3.) that the Justices of the Peace should determine Causes upon Information without any such Presentment, but many times in *vitium ducit culpæ fuga*, and therefore that Ordinance endured not long, &c. 1 *H.* 8. 6. § 2. N. 3. *Lamb.* 524. Tryals.

XI. *Lamb.* 525. So that now again the Trial of Offences ought for the most part to proceed either after the general order of the Common Law, or upon such special Examination, or other Proof, as some Statutes do give in special Cases, and this hearing at liberty and Discretion hath seldom any place. Evidence.

XII. *Lamb.* 433. Enquiry in Sessions, if any common Informer or Promoter (as he is commonly called) have compounded or agreed with any person for any Offence against any Penal Law without the Order and Consent of some of the Courts at *Westminster*, or have willingly delayed or discontinued his Suit once commenced, 18 *Eliz.* 5. § 3. N. 1. Agreement.

XIII. *Crompt.* 83. *ab.* Enquiry on Sessions upon 18 *Eliz.* 5. § 1. N. 1. Appearance. &c. *Item*, whether there be any common Informer, who doth not exhibit his Information in his proper person, or doth not pursue it by himself, or by his Attorney in Court, or if he antedates the time of the exhibiting thereof, or sueth out any Process before the Information exhibited, or compounds with the Offender before his Answer made in the Court, or then without order of the Court, the Offender in this Case shall stand upon the Pillory two hours in some Market Vill next adjoyning to the place where the Offence is committed, and forfeit 10 *l.* and shall not be allowed after for an Informer.

XIV. *Crompt.* 126. Justices of Peace may hear and determine by Presentment, Bill, Information, or Plaint, the Offences of such as kill Waynings under the age of 2 years, to the intent to sell them, by 24 *H.* 8. 9. § N. Cattel.

XV. *Crompt.* 126. They have power by 1 *H.* 8. 7. § N. as well by examination as by Presentment, to hear and determine the Offences of Coronors for not executing their Office according to the Statute. Coron.



Maintenance.

XVI. *Crompt.* 126. The Justices of Peace may hear and determine as well by Information as by Indictment the Offences Committed against the Statute of Reteyners, Liveries, Maintenance, Imbracery, Bow-staves, Archery, Unlawfull Games, Foretallers, Regrators, Victuallers, and Innholders, by 33 H. 8. 10 § N. 37 H. 8. 7.

Pope.

XVII. The Laws, &c. 71. &c. 86. upon 23 Eliz. 1. § 11. N. 1. The Axis upon which all popular Suits for Recusancy depend, See in *tit.* Pope 79.

*Incontinence* see *Bastardy*.

*Infidels* see *Religion*.

*Incumbent* see *Encumbent*, *Ecclesiastick persons*,

*Ingrossing* see *Market Overt*.

*Innkeeper and Innholder* see *Hostler*.

*Inmates* see *Hostler*, *Cottages*.

*Inquest* see *Enquest*.

### Inrolement.

*Deeds Inrolled, Bargain and Sale, Records.*

Justice.

I. **L** *Ambert* 196. If any one Justice of the Peace do Joyn with the Clerk of the Peace in taking the Inrolement of an Indenture of Bargain and Sale of Lands, Tenements, or Hereditaments, lying in that County where he is Justice, it is sufficient, as it seemeth by the words of the Statute, 27 H. 8. 16. § 1. N. 2.

Fees.

II. *Lambert* 365. The Justice or Justices of the Peace that do Joyn with the Clerk of the Peace in taking the Conusans of an Indenture of Bargain and Sale of Land to be Inrolled, shall have 12 *d.* therefore, if the Land exceed not in value 40 *s.* by the year, and 2 *s.* 6 *d.* if it do exceed that value, by 27 H. 8. 16. § 1. N. 4. *Lambert* 430, 431.

III. *Crompt.* 59. § 31. It is Extortion in the Clerk of the Peace if he takes above 12 *d.* for Inrolement of a Bargain and Sale of Land that exceeds not xl. *s.* per Annum, or above 2 *s.* 6. where the Land exceeds the value of xl. *s.* per Annum. by 17 H. 8. 16. and in the Justices of Peace that for the Conufance take above the said Summs in the said Cases, by the said Statute, *Lambert* 430, 431. *Crompt.* 177. *b.*

### Intendment.

*Suspition, Sugestion, Proofs.*

Bastardy.

I. **L** *Ambert* 119. It shall not be amis at this day, to grant Surety of the Good Abearing against him that is suspected to have begotten a Bastard Child.

Inventory

*Inventory* see *Ordinary*.

*Iron works* see *Mettle*.

*Judgment* see *Justices, Execution*.

*Juglers* see *Games*.

*Issues* see *Enquest, Forfeiture*.

*Jurisdiction* see *Justices*.

*Jurors* see *Enquest*.

## Justices.

*Jurisdiction, Judgment, Sessions, one Justice, two Justices, three Justices, Courts, Commission, Records.*

I. **L** *Ambert* 1. cap. 4. pag. 20. And then withal (*viz.* during the Imprisonment of *Ed. 2.*) it was ordained by Parliament in the Life time of that Deposed King, and in the very first entry of his Sons Reign, 1 *Ed. 3.* 16. That in every Shire of the Realm, Good men and Lawfull which were no Maintainers of Evil, nor Barretors in the Country should be assigned to keep the Peace, which was as much to say, that in every Shire the King himself should place special Eyes and Watches over the Common People, that should be both willing and wise to foresee, and be also enabled with meet Authority to repress all intention of uproar and Force, even in the first seed thereof, and before that it should grow up to any offer of Danger; so that for this cause as I think, the Election of simple Conservators or Wardens of the Peace was first taken from the people, and translated to the Assignment of the King. Commission.

II. *Lambert* 1. cap. 5. pag. 26. If the King do grant unto a man to be a Justice of Peace during his Life, within a certain Precinct, without any other words, he shall continue such a Justice during his Life: and shall have all that power that a Warden or Conservator of the Peace had, and perhaps such power also as is given to a Justice of the Peace by express words in any Statute: but he shall not have all that power which is ordinarily given to the Commissioners of the Peace by their Commission, Marrow. Patents:

III. *Lambert* 1. cap. 7. pag. 33, 34. And for the better restraint of the increase of Justices of Peace, it was Enacted that no Association should be made to the Justice of Peace after their first Commission, 12 *R. 2.* 10. § 1. N. 7. which Law though it be not to be Abrogated till this day, yet was it long since ended by making of New Commissions that had more new Justices thrust into them, and truly it seemeth to me, that together with the like ambitious desire of Bearing Rule in some, the growing Number of the Statute Laws Committed from time to time to the Charge of the Justices of Peace, hath been the cause that they also are now again increased, to the overflowing of each Shire at this day, *Dalt.* 19, 20. cap. 5. Joyndet:

IV. *The Form of the Commission of the Peace for each County is as thus in Middlesex, Lambert* 1. cap. 8. pag. 35.

Carolus secundus Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex *Midd. ff.*  
Fidei Defensoris, &c. precharissimo Consanguineo & Consiliario nostro  
Principi Ruperto Comiti Palatino Rheni Duci & Cumbriæ  
Constabulari Castri de Windsor, &c. predilecto & fideli consiliario nostro  
*Heneagio*

- Peace.** *Heneagio Dom. Finch* Dom. Cancellario nostro Angliæ, &c. Salutem, 2. sciatis quod assignavimus vos conjunctim & divisim & quemlibet vestrum Justiciarios nostros ad Pacem nostram in Com' nostro *Middlesex* conservand'
- Statutes.** 3. ac ad ea omnia Ordinationes & Statuta pro bono Pacis ac pro conservatione ejusdem, & pro quieto regimine & gubernatione populi nostri edita in omnibus & singulis suis articulis in dicto Comitatu nostro tam infra Libertates quam extra, juxta vim, formam, & effectum eorundem custodiend' & custodiri faciend': 4. & ad omnes contra formam & Ordinationum, vel Statutorum, vel eorum alicujus in Comitatu predicto Delinquentes castigand' & puniend' prout secundum formam Ordinationum vel Statutorum illorum fuit faciend', 5. & ad omnes illos qui alicui vel aliquibus de populo nostro de corporibus suis, vel de incendio domorum suarum minas fecerint ad sufficientem securitatem de pace, vel bono gestu suo erga nos & populum nostrum inveniend' coram vobis seu aliquo vestrum venire faciend', & si hujusmodi securitatem inveniri recusaverint, tunc eos in Prisonis nostris quouscunque hujusmodi securitatem invenerint salvo custodiri faciend. 6. Assignavimus etiam vos & quolibet duos vel plures vestrum quorum aliquem vestrum vos prefat' Principem *Rupertum*, Dom. Cancellarium Angliæ, &c. unum esse volumus Justiciarios nostros ad inquirendum per Sacramentum proborum & legalium hominum de Comitatu predicto, per quos rei veritas melius sciri poterit de omnibus & omnimodis felonis, veneficiis incantationibus fortilegiis Arte Magica, transgressionibus forestallariis regratariis, ingrossariis & extortionibus quibuscunque, 7. ac de omnibus & singulis aliis maleficiis & offensis, de quibus Justiciarii pacis nostræ legitime inquirere possunt aut debent per quoscunque & qualitercunque in Comitatu predicto factis sive perpetratis vel quæ imposteum ibidem fieri vel attemptari contigerit, 8. ac etiam de omnibus illis qui in Comitatu predicto in Conventiculis contra pacem nostram in perturbatione populi nostri seu vi armata iverunt vel equitaverunt, seu imposteum ire vel equitare presumpserint, 9. ac etiam de omnibus his qui ibidem ad gentem nostram mahemand' vel interficiend' in insidiis jacuerunt, vel imposteum jacere presumpserint, 10. ac etiam de Hostellariis & iis omnibus & singulis personis qui in abusu ponderum vel mensurarum sive in venditione vectualium contra formam Ordinationum vel Statutorum vel eorum alicujus inde pro communi utilitate regni nostri Angliæ & populi nostri ejusdem deliquerunt vel attemptaverunt, seu imposteum delinquere vel attemptare presumpserint in Comitatu predicto, 11. ac etiam de quibuscunque Vicecomitibus Ballivis Sefchallisne Constabulariis Custodibus Goalorum & aliis Officiariis qui in executione officiorum suorum circa premissa, seu eorum aliqua indebite se habuerunt, aut imposteum indebite se habere presumpserint, aut tepidi remissi vel negligentes fuerunt, aut imposteum fore contigerit in Com' predicto, 12. & de omnibus & singulis Articulis & Circumstantiis & aliis rebus quibuscunque, per quoscunque & qualitercunque in Com' predicto factis sive perpetratis, vel quæ imposteum ibidem fieri vel attemptari contigerit qualitercunque premissorum, vel eorum alicujus concernentibus plenius veritatem, 13. & ad indictamenta quæcunque sic coram vobis seu aliquibus vestrum capta sive capienda aut coram aliis nuper Justiciariis pacis in Comitatu predicto facta sive capta & nondum terminata inspiciendum ac ad Processus inde versus omnes & singulos sic indictatos, vel quos coram vobis imposteum indictari contigerit quousque capiantur reddant se vel Utlagentur faciend' & continuand', 14. & ad omnia & singula felonias veneficia Incantationes fortilegia Artes Magicas transgressiones forestallarias regratarias ingrossarias extortiones conventicula Indictamenta predicta ceteraque omnia & singula premissa secundum Legem & Statuta regni nostri Angliæ prout in hujusmodi casu fieri consuevit aut debuit audiendum & terminandum
- Peace.**
- Statutes.**
- Contempt.**
- Coron.**
- Enquest.**
- Enquest.**
- Riot.**
- Intendment. Measures.**
- Officers.**
- Enquest.**
- Indictment.**
- Oyer.**



nandum & ad eosdem delinquentes & quemlibet eorum pro delictis suis per fines redemptiones amerciamenta forisfacturas ac alio modo prout secundum Legem & Consuetudinem regni nostri Angliæ aut formam Ordinationum vel Statutorum predictorum fieri consuevit aut debuit castigandum & puniendum, 15. proviso semper quod si casus difficultatis super determinatione aliquorum premissorum coram vobis vel aliquibus duobus vel pluribus vestrum evenire contigerit tunc ad iudicium inde reddendum ( nisi in presentia unius Justiciariorum nostrorum de uno vel de altero Banco, aut unius Justiciariorum nostrorum ad Affizas in Comitatu predicto capiendas assignatorum coram vobis, vel aliquibus duobus, vel pluribus vestrum minime procedatur, 16. & ideo vobis & cuilibet vestrum mandamus quod circa custodiam Pacis Ordinationum, Statutorum, & omnium & singulorum ceterorum premissorum diligenter intendatis, & ad certos dies & loca, quæ vos vel aliqui huiusmodi duo vel plures vestrum ut predictum est ad hoc provideritis super permissis faciatis inquisitiones, & premissa omnia & singula audiat & terminetis, ac ea faciatis & expleatis in forma predicta facturi inde quod ad iustitiam pertinet secundum Legem & Consuetudinem regni nostri Angliæ salvis nobis Amerciamentis, & aliis ad nos inde spectantibus, 17. mandamus etiam tenore presentium Vicecom' nostr' *Middlesex*, quod ad certos dies & loca ( quæ nos vel aliqui huiusmodi duo vel plures vestrum ut predictum est ei ut predictum est scire feceritis ) venire faciat coram vobis huiusm' duob' vel pluribus vestrum, ut dictum est, tot & tales probos & legales homines de Balliva sua tam infra libertates quam extra, per quos rei veritas in premissis melius sciri poterit & inquiri. 18. Assignavimus denique te præfatum *Gulielm.* Comitem *Craven* custodem Rotulorum pacis nostræ in dicto Comitatu nostro, ac propterea tu ad dies & loca predicta Brevia, Præcepta, Processus, & Indictamenta predicta coram te & dictis sociis tuis venire facias, ut ea inspiciantur & debito fine terminentur sicut predictum est ; in cujus rei testimonium has literas nostras fieri fecimus patentes, Teste me ipso apud Westminst' 9 die Febr. An. Reg. Nostri 29. See *Crompt. 1.* an old Commission for *Stafford* in Chancellor *Elsemere's* time. and *Crompt. 3. b. 4. a.* this new one for *Kent*, *Dalt. 16, 17. cap. 5.* the like for *Cambridgeshire* and for *Ireland*, see *Belt. 11, 12. cap. 2.*

Jurisdiction.

Execution.

Sheriffs.

Records.

V. *Lamb. 45.* This first assignavimus 2. makes them Justices for the conservation of his Majesties Peace, by force of which words they have singularly, dually and plurally both all the ancient power touching the Peace which the Conservator of the Peace had by the Common Law, and also that whole Authority which the Statutes have sithens added thereto, for the more evident Declaration whereof they are immediately after 3. assigned to conserve omnia Ordinationes & Statuta pro bono pacis, &c. In which general words there do lye implied not only the several Statutes, 3 *Ed. 1 W. 1. 9. & 13 Ed. 1 of Winch. Stat. 2. cap. 1. &c. 28 Ed. 3. 11. 5 Ed. 3. 4.* But also whatsoever other Laws and Statutes made either for the arresting of Robbers, Murderers, Felons, and of those that be suspected to be such, or for the repressing of Riots, Affrays, Force and Violence, &c. or for having Armor and Weapon, &c. *Dalt. 18. cap. 5.*

Peace.

VI. *Lamb. 46.* But as the Conservation of the Peace, and the Execution of the Statutes be several things, so is there in this first rank two distinct ways for the effecting of the same, for 4. the Statutes are to be performed according to such Prescript and Order as themselves do deliver, wherein if no power at all be expressly given to any one Justice of the Peace alone, then can he not otherwise compel the Observation thereof (so far as I can learn) than by Admonition only, and calling upon the Parties in which behalf if he sha. not be obeyed accordingly, he is to prefer the Cause at the Sessions, and to work it to a Presentment upon the Statute, and so by the help of his fellow Justices, to hear and determine thereof as Law requireth, *Dalt. 18. 19. cap. 5.*

Contempt.

But

But for prevention of the breach of the Peace he hath full Authority hereby. 5. Not only to call the party for the finding of Sureties for the Peace, or for the Good Behaviour, as the Case shall require; but also for not finding such Sureties to Commit him to safe Custody within his Majesties Goal or Prison, *Lamb. 77. 34.*

## Jurisdiction.

VII. *Lambert 49, 50.* Least these Justices should rather Ground their Judgments upon the Number of voices, then upon the weight of reasons, this latter clause is shut up with a *proviso* and restraint. § 15. That in all Cases of ambiguity and doubt they shall spare to proceed to Judgment, and expect the presence of the Justice of Assize, &c. and yet as *Mr. Fitzh. 7.* well Noteth, is not their Judgment void if they list to proceed without such advise, but it standeth good and effectual until it shall be Reversed by a Writ of Error, *Crompt. 6. ab.*

## Oath.

VIII. *Lambert 53.* The Oath of Office of a Justice of Peace

Ye shall Swear that as Justices of the Peace in the County of *M.* in all Articles in the Kings Commission to you directed, you shall do equal right to the Poor and to the Rich, after your cunning, Wit and Power, and after the Laws and Customs of the Realm, and Statutes thereof made. (§ 2.) And ye shall not be of Counsel of any quarrel hanging before you. And 3. That ye hold your Sessions after the Form of Statutes thereof made. And 4. The Issues, Fines, and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, ye shall cause to be entred without any Concealment or Imbezelling, and truly send them to the Kings Exchequer. 5. Ye shall not let for Gift or other cause, but well and truly you shall do your Office of Justice of Peace in that behalf, and that you take nothing for your Office of Justice of the Peace to be done, but of the King, and Fees accustomed, and Costs limited by the Statute. And 6. Ye shall not direct or cause to be directed any Warrant by you to be made to the parties, but you shall direct them to the Bayliffs of the said County, or other the Kings Officers or Ministers, or other indifferent persons to do Execution thereof: So help you God, and by the Contents of this Book, in *French, Crompt. 10. ab. Dalt. 13. cap. 4.*

## Process.

IX. *Lambert 56.* It would avail greatly to the furtherance of the service, if the *Ded' potestat'* to give these Oaths (*viz. of Supremacy and Allegiance, &c.*) were dirigible to the Justices and none other to Minister the same, not elsewhere, but in their open Sessions.

## Statutes.

X. *Crompt. 7. § 13. 14.* By these words, § 3. it appears that the Justices ought to do their Endeavour that these Statutes be kept in all points, and that they in every of their Quarter Sessions should inquire of the Offenders against them, and that they in their Charge given to the Enquests should rehearse, especially the Articles of those Statutes that concern the conservation of the Peace, and the Good Government of the Subjects of the Realm, *Fitzh. J. P. 10. & 10. Ed. 3. cap. 6.*

## Imprisonment.

XI. *Crompt. 9. b. § 49.* The Justices of the Peace have no power to deliver the Goal, unless only of those that are Indicted before themselves, or before other Justices of Peace of the same County according to the power given to them by the Commission, *13 Fitzh. J. P. 14. Crompt. 122. b. § 5. Lambert 541.*

XII. *Crompt.* 10. § 53. By these words ( § 6. ) it appears, that two Justices of the Peace may enquire of all Articles expressed in their Commission, though none of them be Justices of the *Quorum*, but the Justices of Peace cannot hear and determine the Articles contained in their Commissions, unless one of them be a Justice of the *Quorum*, unless in special Cases given by Statutes. Enquest.

XIII. *Dalt.* 19. cap. 5. By this (Justices of Peace have, 13 *Ed.* 1 Stat. 2. Execution. of *Winchester* in charge ) it may appear that the King by his Commission, may commit the Execution of the Statutes and Laws to whom he shall please; and so also a Justice of Peace by vertue of the Commission may execute any Statute whereunto he shall be enabled by the said Commission, although there shall be no expresse power given him so to do by the Words or Letter of the same Statute, 22 *Ed.* 4. *Jurisdic.* 61. *Bract.* 108. & 11 *Co.* 65.

XIV. *Dalt.* 19. cap. 5. Note also, that there be divers Statutes which be not specified within the Commission, and yet are committed to the Charge and Care of the Justices of Peace; but all such Statutes which do give expressly any power or Authority to the Justices of Peace, are to them a sufficient Warrant and Commission of themselves, though they be not recited in the Commission, and all such Statutes are also to be executed by them according as the same Statutes themselves do severally prescribe and set down, *Lamb.* 33, 34. & *Pasch.* 11. *H.* 7. 22. pl. 11. of Rape. Commission.

XV. *Lamb.* 64, 65. It is the opinion of the Court, 9 *Ed.* 4. 3. & 14 *H.* 8. 16. and of divers other Books in our Law, that every one of the Justices of Peace, even by himself is a Judge of Record, for he is made by the Great Seal, and hath judicial power and hath a Seal, and by *Brudnell Peace Br.* 6. 14 *H.* 8. 16. if he make any Warrant, though it be beyond his Authority, it is not disputable by the Officer, &c. *F. N. B.* 81. *E. Crompt.* 120. Records.

XVI. *Lamb.* 65. Yea, by good opinion 2 *H.* 7. 1. a *Superfedeas* of the peace made by one Justice under his Seal being brought into the Sessions, is a sufficient Record to prove that there is a Recognizance of the Peace taken by the same Justice, and it is warrant enough to call the party bound thereupon, and if he make default to record the same. *Superfedeas.*

XVII. *Lamb.* 67. The Kings Majesty may discharge the Commissioners of the peace by his expresse Writ under the Great Seal, *L.* 5 *Ed.* 4. 32. 137. *Judges Br.* 19. and if he send a *Superfedeas* to all the Commissioners of the peace, that will suspend all their Authority, but yet so that it may be renewed by a *procedendo*, and therefore it doth not utterly determine their Authority, as may be gathered by 12. *Ass.* 21. *Oyer & Term.* 4. Repealans

XVIII. *Lamb.* 67. Again, when the Kings Majesty makes other Commissioners of the same kind within the same limits, it is implied thereby for avoiding of Repugnancy in the service, that the former Commissioners shall have no longer power, although there be never a word spoken of the discharge of them, 3 *Mar.* 1. *Commissi.* *Br.* 24. But yet if there be Justices of Peace by Commission in a whole County, and afterwards the King makes another man Justice of the Peace in one Town of the said County, *Choke*, only against others was of opinion 10. *Ed.* 4. 7. *Commission Br.* 20. that



that the power of the first Commissioners continued still in that Town, because it is not altogether contrariant, and Judge *Fineux* 20. H. 7. 8. held also, that if the King make a proper Justice of the Peace within a special Liberty, yet may the General Justices of the Peace of that Shire meddle there, unless there be words of Prohibition in the Patent, &c. but it is plain by the preamble of 2 & 3 Ph. & Mar. 18. § 1. N. 2. that the Law was taken, that if a Commission of the Peace were first granted to certain within a Town, and after another Commission had been granted to others within the whole Shire, that this had been a *Superfedeas* to the Commissioners within the said Towns, *Crompt.* 187. b. 188. a. 189.

Notice.

XIX. *Lamb.* 68, 69. Howbeit, this Determination of the old Commission that we speak of, groweth not immediately by the making of a new Commission, but either after the reading or proclaiming of the new Commission at the Sessions of the Peace, or at the full County, or else by holding of some open Sessions by vertue of the new Commission, in all which cases the old Commissioners must take notice of the new Commission, or else after the giving of notice of the new Commission unto the old Commissioners, for otherwise all the mean Acts of the old Commissioners are good in Law, by *Marrow*, & 21 H. 6. 29. & 34. *Ass.* 28. *Commission.* Br. 14. *Crompt.* 189.

Abatement.

XX. *Lamb.* 69, 70. It is to be noted, that in all Cases whereby an Ancient Commission of the Peace is determined by a new, yet no Process or Suit hanging before the old Commissioners shall be discontinued thereby, 11 H. 6. 6. § N. & 1 Ed. 6. 7.

Commissioner.

XXI. *Lamb.* 71. But ask of this, if Commission be repeal'd by the coming of the Justices in Eyr, or B. R. into the County, for if it should be so, then it may be some question also what is wrought by the coming of the Justices of *Nisi prius*, who do ordinarily bring Commissions of Oyer and Term. and of Goal-delivery with them, *Crompt.* 188. b.

Adjournment.

XXII. *Lamb.* 69. Lastly, if Justices of the Peace made *pro hac vice*, do sit by vertue of their Commission, and do not adjourn the same, it seemeth their Commission Br. 11. 7. is determined thereby, *Crompt.* 188. b. *Quar.*

Peace.

XXIII. *Lamb.* 80, 81. One Justice of Peace, saith Mr. *Marrow*, may grant surety of the Peace to any man against one of his fellow Justices &c. *Dalt.* 163. cap. 68. but I doubt not that one Justice of Peace if he will, may pray surety of the Peace at the hands of his fellow Justice against another person, &c. *Crompt.* 122. § 36. & 134. b.

Next Justice.

XXIV. *Lamb.* 94, 95. If the party shall yield to find surety of the Peace, then may he beat his Liberty (if the Precept proceed *ex officio*, and without the Writ of Supplicavit) to go to any other Justice of the Peace to offer his surety, for such is the opinion of *Fineux*, 21 H. 7. 20. *Tho. Peace* Br. 9. & *Faux Imprisonment* Br. 11. *Dalt.* 167. cap. 69. liketh better to give the Election thereof to the Officer F. N. B. 81. *Crompt.* 89, 90. See 9 Ed. 4. 31. & 5 Co. 59. b. *Fosters Ca.* and I do remember that a Justice of Peace was by the order of Star-Chamber thrust out of the Commission, only because he refused to accept surety of the Peace offered unto him upon a Warrant awarded by one of his fellow Justices, to whom the party, as he alleged, durst not go to give it for fear that he would execute upon him the malice that he bear against him.

Superfedeas.

XXV. *Lamb.* 96. If a Justice of Peace will by a *Superfedeas* discharge a Precept for the peace awarded by his fellow Justice, by vertue of his Office (and not by force of a Supplicavit, which is of a higher nature, and cannot be so avoided) then shall he do well to take the Recognizance of the peace after the self same sort in all points, as the form of the former Precept doth require.

XXVI.

XXVI. *Lamb.* 120. *b.* Although the Justices of Peace have power to <sup>Good Behaviour.</sup> grant the Good Behaviour either by their own Discretion, or upon the Complaint of others, even as they may that of the Peace, yet I will rather that they do not command it but only upon sufficient cause seen to themselves, or upon the Suit or Complaint of divers, and the same very honest and credible persons.

XXVII. *a.* *Lamb.* 120. A Justice of Peace is undoubtedly (for punishment of Breaches of the Peace) endowed with no less power than every private man, or any Constable hath, as it is plain by 9 *Ed.* 4. 3. & 14. *H.* 7. 8. <sup>Jurisdiction.</sup>

XXVIII. *Lamb.* 132. If one do make an Affray upon a Justice of the Peace, Constable, or such other Officer, he may not only defend himself, but may also apprehend the Offender, and send him to the Goal till he will find surety for the Peace, 5 *H.* 7. 6. and the Justice or Constable may, if need be, command Assistance of the Kings people for the pacifying of an Affray. <sup>Affray.</sup>

XXIX. *Lamb.* 140. This Statute of 8 *H.* 6. 9. §. 2. N. 3. enableth any one Justice of the Peace to give remedy in this hurt of Forcible entry and holding, and is made as well against such as enter with force and hold them peaceably, and against those that enter in peaceable fort, and then maintain their Possession forcibly, as also against as many as do both enter and hold in forcible manner *F. N. B.* 148. *Crompt.* 194. *b.* § 3. 4 3 *Ed.* 419. *forcible Entre, Br.* 15. <sup>Force.</sup>

XXX. *Lamb.* 182. Upon the whole matter, (*viz.* of 14 *H.* 7. 8. Justice of Peace 9. *Br.* 7, &c.) one Justice of the Peace alone may do somewhat to prevent a Rout or Riot before it be done, and for the stay of it whilst it is in doing, but nothing in effect to punish it as a Riot or Rout when it is committed or done, for as Judge *Fineux* saith, the Statute which I take to be 34 *Ed.* 3. 1. § 1. N. 2. (rather than 13 *H.* 4. 7. § 1. N. 1. which by expresse words, requireth two Justices at the least present,) was given as a hasty remedy, and for to prevent a Mischief being imminent, and before the Eye, and therefore the Law shall largely construe the Authority of a Justice of Peace in that behalf, so that he shall neither need to make any precept in Writing, nor to be present in his own person, but may use all reasonable means for Prevention and Stay of the Evil, and yet the ordinary power of punishing Routs and Riots resteth not in his hand alone, but rather belongeth unto two Justices of the Peace. <sup>Riot.</sup>

XXXI. *Crompt.* 121. § 17. One Justice of Peace may take Rioters, <sup>Imprisonment.</sup> and yet 13 *H.* 4. 7. § 1. N. 1. speaks of two Justices, for the said Statute is taken largely, as appears 14 *H.* 7. 8..

XXXII. *Lamb.* 187. This (to be plain) I do not like, that one Justice of the Peace should take upon him to bind an Offender against any penal Law (being within the power of Justices of the Peace, but yet neither comprehended in the Commission, nor committed to the charge of any one of them) to appear at the Sessions to answer to his fault, for although I have seen sundry old Precedents of Attachments made for one Justice of Peace against Laborours to be before the Justices at their <sup>Recognizance.</sup>

their Sessions to answer to their Contempts, yet I am not perswaded, that the like may be done against the Offenders of other Statutes, unless it be therein specially so appointed no more than it might have been done in that case of Laborours it self, had not 25 *Ed.* 3. 6. §. 1. N. 1. expressly commanded it, *Crompt.* 122. b. § 3. *Dalt.* 159. cap. 67.

Fish.

XXXIII. *Lamb.* 189, 190. Every Justice of the Peace is a Conservator of Rivers within his County, and when he may attend it, ought to survey the Weers, &c. 13 *Ed.* 1. W. 2. cap. 47. § 1. N. 3 & 13 *Rich.* 2. 19. § 1. N. 6. 17 *R.* 2. 9. § 1. N. 7. *Dalt.* 134. cap. 50.

Apprentice.

XXXIV. *Lamb.* 190. Any one Justice of the Peace may take upon him to hear and order the Controversies between Masters and Servants touching their departure, &c. 5 *Eliz.* 4. § N. *Crompt.* 195. 196. § 16. *Dalt.* 21. cap. 6.

Forest.

XXXV. *Lamb.* 191. Upon Information to any Justice of Peace of any unlawful Hunting by night, or with Disguises, &c. in Forrest, Park, or Warren, of any suspected thereof, that Justice may make a Warrant, &c. and may examine him, &c. 1 *H.* 7. 7. § 1. N. 3. *Crompt.* 195. b. § 20.

Games.

XXXVI. *Lamb.* 191, 192. Every Justice of the Peace may as well within Liberties as without, enter into any common house where unlawful Games are kept, 12 *R.* 2. 6. § N. & 33 *H.* 8. 9. §. 14. N. 1. *Crompt.* 195. b. § 21. *Dalt.* 154. cap. 66. & 63. cap. 23.

Ale.

XXXVII. *Lamb.* 192, 193. The Innkeeper, Victualer, or Ale-house-keeper that suffers any to continue Tipling in his house, shall forfeit 10 s. and that selleth under measure upon view by one Justice, or upon proof thereof by two Witnesses before any one Justice, &c. 1 *Jac.* 9. §. 2. N. 6. *Dalt.* 154. cap. 66.

Fish.

XXXVIII. *Lamb.* 193. Any Justice of Peace in *Lent* may enter into common Victualling-houses and seise Flesh forfeit, &c. 1 *Jac.* 29. §. N. *Dalt.* 21. cap. 6. & 56. cap. 21.

Tiles.

XXXIX. *Lamb.* 193. Any one Justice of Peace by the large words of the Statute, 17 *Ed.* 4. 4. § 1. N. 13. (but learn whether it be so to be taken or no) may enquire, hear and determine by his Discretion, as well by Examination as otherwise, Tile-making, &c. *Crompt.* 195. b. § 23. *Dalt.* 21. cap. 6. & 155. cap. 66.

War.

XL. *Lamb.* 193, 194. If Soldier imbezels Armor, &c. and escape punishment of Lieutenant, &c. then upon Complaint and due proof of the Offence by Owner, &c. to any Justice of the Peace, he shall by him be committed without Bail, &c. 2 & 3 *Ed.* 6. 2. §. 4. N. 1. *Crompt.* 195. b. §. 24. *Dalt.* 155. cap. 66.

Pope.

XLI. *Lamb.* 194, 195. If any to whom *Agnus Dei*, Cross, Picture, Bead, &c. shall be offered, do disclose the name and dwelling of the Offerer to any Justice of the Peace, that Justice must in 14 days next after declare the same to one of the Kings Privy Counsel, 13 *Eliz.* 2. §. 8. N. 1. *Crompt.* 195. b. § 25.

Religion.

XLII. *Lamb.* 195. If Disturbers of Preacher be arrest and brought before a Justice of Peace, then he upon due accusation shall forthwith commit the party so taken, by his discretion, 1 *Mar.* 1. Stat. 2. cap. 3. § 2. N. 1. but enquire if all this Statute be not repealed by 1 *Eliz.* 2. § 27. N. 1. in general words, *Crompt.* 195. § 14. *Dalt.* 155. cap. 66.

XLIII.



XLIII. *Lambert* 195, 196. Every Justice of Peace may within one Month after Arrival seize all the Goods of any Outlandish persons calling themselves *Egyptians*, that shall come into this Realm, &c. 22 H. 8. 10. § N. But note that after the Month the Offence is made Felony, and then it seemeth the King is to have the Goods wholly, *Crompt.* 195. § 13. 1 & 2 Ph. & Mar. 1. § N. Poor.

XLIV. *Lambert* 196. If any one Justice of the Peace do join with the Clerk of the Peace in taking the Inrolement of an Indenture of Bargain and Sale of Lands, Tenements, or Hereditaments lying in that County where he is Justice, it is sufficient as it seemeth by the words of the Statute, 27 H. 8. 16. § 1. N. 2. Inrolement.

XLV. *Lambert* 196. Every Justice of Peace may examine and search by his Discretion, such as Sell any Candles or other Works of Wax above 4 d. the pound above the price of plain Wax, 11 H. 6. 12. § 1. N. 4. As it seemeth by the large words of that Statute. Wax.

XLVI. *Lambert* 196, 197. Any one Justice of the Peace is Warranted to set on the Pillory in the next Market Town to the place of Offence, any person that hath broken the Assize of Fuell, and is not able to pay Forfeiture, &c. 7 Ed. 6. 7. § 6. N. 2. but consider whither a Justice of Peace may convict him of the said Forfeiture or no; for it seemeth by the words of the Statute that he is rather a Minister than a Judge. Fucl.

XLVII. *Lambert* 197. A Justice of Peace my appoint Searchers, Watchmen, Examiners, Keepers and Buryers for Persons and Places Infected with the Plague, give them their Oaths for Performance of their Offices, and other Directions, as to his Discretion shall seem good, 1 Jac. 31. § 9. N. 1. *Crompt.* 122 § 39. *Dalt.* 21. cap. 6. Poor.

XLVIII. *Lambert* 197. Any Justice of the Peace of the County where a person above 16 absents from Church, dwelleth, may make Certificat thereof in Writing in B. R. 23 Eliz. 1. § 5. N. 2. *Crompt.* 195. § 12. *Dalt.* 155. cap. 66. Pope.

XLIX. *Lambert* 197. Any Justice of Peace within that County in which any Jesuit, Seminary Priest, or other Priest, Deacon, or Religious or Ecclesiastick person mentioned, shall Arrive or Land, may within three days after take the Submission Oath and Acknowledgment of him touching his obedience to the Kings Majesty, and to his Laws and Ordinances provided in Causes of Religion, 27 Eliz. 2. § 10. N. 2.

L. *Lambert.* 198. The party that doth first discover to any Justice of Peace, any Recusant or other, Entertaining or Relieving any Jesuit, Seminary or Popish Priest, or any Mals to have been said, and any of them that were present thereat within three days after the Offence, and by reason of his Discovery, any of the Offenders be taken and Convicted, shall be freed from the Offence, and have the third part of the Forfeiture 3 Jac. 5. § N. *Lamb.* 294.

LI. *Lambert* 198, 199. Every Justice of Peace may examine the offences against the Statute, 23 Eliz. 10 §. 2. N. 6. and against Hawkers in Corn, and may take Bond with good Sureties to appear at the next General Sessions of the Peace, to answer the offence, &c. *Crompt.* 124. b. *Crompt.* 195. § 8. *Dalt.* 66. cap. 25. Fowl.

Sheriffs.

LII. *Lambert* 199. It seemeth that one Justice of the Peace may upon complaint of the party grieved, examine the Sheriff, Undersheriff, Shire Clerks, and Plaintiff concerning the taking or entring of Plaints in their County Courts, and Books against the Statute 11 H. 7. 15. § 1. N. 10. *infra* § 138. *Lambert* 293. *Crompt.* 195. § 9. 10. *Dalt.* 154, 155. cap. 66.

Corn.

LIII. *Lambert* 199, 200. The Certificate of one Justice of the Peace joyned with the Customer of the Place, of the unlading and Selling of Corn or Grain, or Cattle carryed by Water from one place to another of this Realm, unto the Customer and Controller of the place where the same was Imbarked, is sufficient against Forestalling, 5 & 6 Ed. 6. 14. § 12. N. 2. *Dalt.* 155. cap. 66.

LIV. *Lambert* 200, 201. If any Bayliff or Constable of any Borrough or other Town shall find any Mault made contrary to 2 & 3 Ed. 6. 16. § N. & 25 *Eliz.* 14. § N. than with the advice of any Justice of Peace within the Shire, he shall cause the same to be Sold to such persons, and at such reasonable prizes under the Common price of the Marker, as to his discretion shall seem convenient, *Dalt.* 21. cap. 6.

Imprisonment.

LV. *Lambert* 201. The party Convicted and Committed to Prison by the Justices of Peace, for not obeying this restraint of converting Barley into Malt, must there remain three days, and after that, untill he shall become bound in Recognizance of 40 l. to the Kings use before any Justice of the Peace to obey such his restraint, 39 *Eliz.* 16. § 1. N. 3.

Sanctuary.

LVI. *Lambert* 200. One Justice of Peace may take out of Sanctuary certain persons abjured thither, and others being Indict of some kind of Offences mentioned, done after they became Sanctuary men, and may Commit them to the Goal in the County where the Indictment is found, till they be Tried, 22 H. 8. 14. § N. *Crompt* 195. § 7.

Fresh Suit.

LVII. 200. No person shall after he shall be Robbed bring any Action upon any the Statutes concerning Hue and Cry, except he shall first within Twenty days next before such Action brought, be examined upon his Corporal Oath before some one Justice of the Peace of the County wherein the Robbery was Committed, Inhabiting within or near the Hundred, &c. then also shall he before such Action be brought, enter into Recognizance before the same Justice, effectually to prosecute such persons known, &c. 27 *Eliz.* 13. § 11. N. 2.

Fish.

LVIII. *Lambert* 201. By Warrant of any one Justice of Peace, the Constables and Churchwardens of every place wherein destroying of the Spawn and Brood of Fish is Commit, may levy the Forfeitures by distress and Sale, 3 Jac. 12. § 2. N. 3.

Sewers.

LIX. *Lambert* 201, 202. Every Justice of Peace as it seemeth within the Shires next adjoyning to the River of *Thames*, within his several Jurisdiction, hath power upon complaint made unto him by the Overseers and Rulers of the Water-men and Wherry-men, or two of them, or by the Masters of any such Servants, both to examine, hear and determine all offences against the Statute, and to set at large him that shall be Imprisoned by such Overseers, or Rulers if there be just cause, and also by his discretion to punish those Overseers and Rulers, 2 & 3 *Phil. & Mar.* 16. § 6. N. 1. *Crompt.* 194. § 2. *Dalt.* 155. cap. 66.

LX. *Lambert* 202. Any Justice of Peace within six Months after the Cattle.  
Sale in Market overt of any stoln Horse, Mare, Gelding, Colt, or Fillye,  
may take the claim, and hear the proof of the right Proprietors thereof,  
31 *Eliz.* 12. § 4. N. 1.

LXI. *Lambert* 202. Any one Justice of the Peace may within three Pope.  
Months after the Conviction of any Seditious Sectarie, require the Sub-  
mission of him to Conformity, and in default thereof may require him to  
abjure the Realm, 35 *Eliz.* 1. § 2. N. 1.

LXII. *Lambert* 202. Any Justice of Peace may appoint any person to Poor.  
be openly Whipped Naked untill his or her Body be Bloody, that shall  
be taken Begging, Wandring, or disordering him or herself, and is de-  
clared by the Statutes to be a Rogue, Vagabond, or Sturdy Beggar, 39 *Eliz.*  
4. § N. & 1 *Jac.* 7. § N. *Crompt.* 96. *Dalt.* 21. cap. 6. & 155. cap.  
66. & 122. cap. 47.

LXIII. *Lambert* 209. 210. Upon any Information given to any Justice Drapery.  
of the Peace against suspected Users of Logwood (*alias* Blockwood) such  
Justice may by his Warrant or other Commandment cause to come before  
him, and examine by Oath or otherwise, the Servants or Work-men of  
such suspected, or others, and on finding the same, to Bind with Surety  
to the next Goal Delivery, or Quarter Sessions of that County, and on  
refusal to Commit to the next Goal, &c. 39 *Eliz.* 10. § 2. N. 2. *Crompt.*  
198. *b.* *Dalt.* 48. cap. 18.

LXIV. *Lamb.* 210. Every Justice of the Peace of any of the Counties on the  
Northside of *Trent*, hath some power in searching out the deceit of stray-  
ning or stretching those Country Clothes, Kerfies, Cottons, &c. 39 *Eliz.*  
20. § N.

LXV. *Lamb.* 210. Every Justice of Peace before whom any person Arrested Coron.  
for Manslaughter or Felony, or Suspition thereof, shall be brought, ought  
before Commitment to take Examinations &c. in Writing, and Bond to  
appear and give Evidence next Goal Delivery, 2 & 3 *Ph.* & *Mar.* 10. § 2.  
N. 2. *Crompt.* 194. *b.* § 1.

LXVI. *Lambert* 292, 293. The Asses made at the Easter Sessions of Taxes.  
the Peace upon every Parish in the County, shall yearly in default of the  
Parishioners, and in default of the Constables there, be rated by order of  
such Justice of Peace as shall dwell in that Parish, or if none so be dwell-  
ing in the parts next adjoining, and in default of the Church-wardens  
and Constables, any Justice of Peace within the limit, may levy the same  
by Distress and Sale of Goods of any person refusing or neglecting to pay  
his portion thereof, and in default of Distress to Commit &c. 43 *Eliz.*  
2. § 13. N. 1.

LXVII. *Lambert* 293, 294. Any one Justice of Peace of that Limit, Pope.  
Division, or Liberty where the party dwelleth, upon proof by Confession  
of the party, or Oath of Witness, may call before him the party offending  
in not repairing every Sunday to some Church, &c. according to 1 *Eliz.* 2.  
§ N. And if he or she cannot make a sufficient excuse thereof, the same  
Justice may give his Warrant to the Church-Warden of the Parish where  
the Offender dwelleth, to distrain for 12 *d.* for every such default, and  
for want of Distress, to Imprison the Offender, &c. 3 *Jac.* 4. § 27. N. 2.  
*Dalt.* 104. cap. 45.

LXVIII.



- Imprisonment.** LXVIII. *Lambert* 294, 295. Such Justice of Peace as Committed for any offence of refusing to pay Charges for conveying to Prison, may give his Warrant to the Constable to Sell such Goods of the Offender as will satisfy the Charge, and if he have none, the Parish where he was apprehended shall be Taxed, and on refusal to pay, Distress and Sale by Warrant from the said Justice or any other neer adjoining to the Constable, &c. 3 *Jac.* 10. § 2. N. 1. *Dalt.* 103. cap. 43.
- Games.** LXIX. *Lambert* 295. Every person finding or seeing any to offend against the Statute against shooting in Cross-bows and Hand-guns, may Arrest and bring or convey him to the next Justice of the Peace of the County where he was found offending, who upon due Examination and proof, may by his discretion Commit, till payment of the Forfeiture, *Crompt.* 195. § 6. 33 *H.* 8. 6. § 16. N. 1. *Dalt.* 155. cap. 66.
- Imprisonment.** LXX. *Crompt.* 122. § 33. One Justice of Peace who was not of the *Quorum* rebuked a Justice who was of the *Quorum*; yet he cannot Commit him to Prison, nor no other of his Companions can Commit him to Prison for this Cause, because that all are by one Authority, and therefore he hath no Remedy if the King will not Remove him, 3 *H.* 7. *Fitzb.* J. P. 3. See if it be in open Sessions that one abuseth another, it seemeth that the others may bind him to the Peace.
- Ways.** LXXI. *Crompt.* 195. § 5. One Justice of Peace may present to the next Sessions the High-ways not sufficiently repair'd, 5 *Eliz.* 13 § 8. N. 3. *Dalt.* 67. cap. 26.
- Slander.** LXXII. *Crompt.* 195. § 15. One Justice of Peace may Commit him that is vehemently suspected to offend against the Statute of 23 *Eliz.* 2. § N. touching the speaking of Slandrous News, &c. against the King that now is, *Dalt.* 102. cap. 42.
- Poor.** LXXIII. *Crompt.* 195. b. Sect. 19. One Justice of Peace may Commit to Prison Rogues, Vagabonds, and Sturdy Beggars, being above the age of 14. there to remain untill the next Sessions or Goal Delivery which first happen, 14 *Eliz.* 5. § N.
- Forest.** LXXIV. *Crompt.* 195. b. § 20. The Examination by one Justice of Peace for Hunting in Parks, &c. against 1 *H.* 7. 7. § 1. N. 3. is Good, *Lamb.* 191.
- Riot.** LXXV. *Crompt.* 195. b. § 16. One Justice of Peace may suppress them who do any thing against the Statute of Rebellious Assemblies, 1 *Mar.* 1. Stat. 2. cap. 12. § N.
- War.** LXXVI. *Dalt.* 154. cap. 66. One Justice of Peace on view may punish persons that shall ride or go Armed contrary to 2 *Ed.* 3. 5.
- For cc.** LXXVII. *Crompt.* 75. Tho one Justice may execute the said Statute, 8 *H.* 6. 9. of *Forcible Entry*, its better to have two or more to avoid partiality.
- Joynder.** LXXVIII. *Lambert* 3. cap. 1. p. 308, 309. It is universally true that whatsoever thing one Justice of the Peace alone is permitted to do either for the conservation of Peace, or in the Execution of the Commission or Statutes, the same also may be no less lawfully performed by two or more Justices, except it be in a very few Cases, where some Statutes do seem especially to appropriate the Execution thereof to some one certain Justice, either in respect that he is next to the place eldest of the *Quorum*, or the like.
- Riot.** LXXIX. *Lambert* 318. If two Justices of the Peace without the Sheriff, or Under-Sheriff, shall see certain persons in doing any Riot, they may cause them to be Arrested, and may make a Record of that Offence, whereof the parties shall be for ever concluded, *Fitzb.* J. P. 9. whereto he addeth in his Book of Justices of Peace fol. 17. that if two such Justices shall make such a Record, where in truth they saw no such Riot, that yet the parties shall be Estopt, and are without remedy, 8 *H.* 6. 14. § 1. N. 11. *Crompt.* 199. ab.

LXXX. *Lamb.* 329. Any two Justices of the Peace, upon complaint that any Servant retained by the Statute departeth before the end of his Term, or at the end thereof without a Quarters warning: or that any person compellable by the Statute to serve, doth refuse to serve for the Wages appointed, may examine the matter, and finding such Servant or Person faulty may commit him to Ward, there to remain till he shall be bound to the party offended, to serve and continue according to the Statute, 5 *Eliz.* 4. § 9. N. 5. *Crumpt.* 198. *Dalt.* 21. cap. 6. & 154. cap. 66. Apprentices.

LXXXI. *Lamb.* 330. Any two Justices of the Peace may make Testimonial to a Serving-man that is turned away from his Master, or whose Master is dead, 14 *Eliz.* 5. §. N. 18 *Eliz.* 3 §. N. *Crumpt.* 198. Poor.

LXXXII. *Lamb.* 330. Any two Justices of the Peace may give assent to the Church Wardens and Overseers, or to the greater part of them, to bind as Apprentices the Children of poor Parents, Men till XXIV, and Women till XXI, 39 *Eliz.* 3 §. N. Apprentices.

LXXXIII. *Lamb.* 330. Any two Justices of the Peace may dispose of the monys rising by the deceitful stretching of the Northern Cloth, &c. 39 *Eliz.* 20. Drapery.

LXXXIV. *Lamb.* 330. Any two Justices of the Peace may by Warrant under their Hands and Seals, cause to be Levied by Distress and Sale of the Goods of the Offender, all Fines and Forfeitures that shall grow by the confession of the Offender, or by proofs of two lawful and sufficient Witnesses before them upon this Statute of Rogues, 39 *Eliz.* 4. § 11. N. 2. Poor.

LXXXV. *Lamb.* 330. Any two Justices of the Peace may give allowance for urgent and necessary occasions, to remain in an Inn, Victualing house, or Ale-house, 1 *Jac.* 9. § 2. N. 5. Ale.

LXXXVI. *Lamb.* 331. Any two Justices of Peace may duly Convict by two Witnesses, or by the Party's confession, any person that shall disturb the restraint of Mauling made in open Sessions, and shall commit him to Prison without Bail or Mainprize for three days, and until that he become bound in 40 *li.* to some one Justice to perform such restraint, 39 *Eliz.* 16. § 1. N. 2. Corn.

LXXXVII. *Lamb.* 331. Such two Justices may License diseased Persons living of Alms, to travel without begging to Bath, or to Buckstone for remedy of their Grievs, 39 *Eliz.* 4. § 7. N. 1. *Crumpt.* 198, ab 199. b. License.

LXXXVIII. *Lamb.* 331. By the oversight of any two Justices, and XII way-discreet Men of the Hundred and Hundreds adjoining, any person within the Weald of Kent may make in his own Land a new High-way, more Commodious then the old, 14 *H.* 8. 6. § 2. N. 1. *Crumpt.* 198. b.

LXXXIX. *Lamb.* 331. Two such Justices may once every year appoint Overseers for that whole year following, of Cloth to be made or sold in any Town not being Corporate, and may charge them upon their Oaths to see execution of some parts of the Statute yet in force, 3 & 4 *Ed.* 6. 2. § 9. N. 1. *Crumpt.* 198. b. *Dalt.* 21. cap. 6. Drapery.

XC. *Lamb.* 331, 332. Within six days after Accusation had, That any person hath disturbed a Preacher, and after his committing to safe custody by one Justice of the Peace, another Justice of that Shire must join with him in the Examination of the Offender, and may proceed to find him Guilty by his own confession, or by two Witnesses, and thereupon commit him to the next Goal for three months, 1 *Mar.* 1. St. 2. cap. 3. § 5. N. 3. *Crumpt.* 198. b. *Dalt.* 102. cap. 41. & 154. cap. 66. Religion.

XCI. *Lamb.* 332, 333. All the offences committed against 1 *Jac.* 27. made against shooting in Hand-Guns, and for the preservation of the Game of Fesants and Partridges, and against the destroying of Hares with Hare-pipes, and tracking Hares in the Snow may be examined, heard, punished, and determined by any two Justices of Peace out of the Sessions, *Dalt.* 87. cap. 37. & 154. cap. 66. Foul Games.

- Taxes.** XCII. *Lamb.* 333. If any person that ought to be set to the Subsidy, do by craft or cunning escape the Taxation, and that be proved before two Justices of Peace of that County, then shall he be charged at the double value of so much as he ought to have been Taxed at, and shall further be punished at the discretion of the said Justices, 39 *Eliz.* 27. §. N. And divers former Acts of Subsidy.
- Pope.** XCIII. *Lamb.* 333. Any two Justices of the Peace of the County where any of His Majesty's Subjects (not being a Jesuit, Seminary Priest, or other Priest, Religious or Ecclesiastical person, &c.) now being, or which hereafter shall be of or brought up in any Colledge of Jesuits, or Seminaries, shall arrive within six months next after Proclamation to be made in that behalf in the City of *London*, under the Great Seal of *England*, may within two days next after such Return, receive his submission under the Oath, (1 *Eliz.* 1. § 19.) 27 *Eliz.* 2. § 5. N. 1.
- Pope.** XCIV. *Lamb.* 333, 334. Any two Justices of Peace may require any Popish Recusant, not making submission according to this Statute, to abjure the Realm upon his Corporal Oath before them, 35 *Eliz.* 2. § 8. N. 4.
- Pope.** XCV. *Lamb.* 334. Any two Justices of the Peace of the County where he shall arrive, may take the submission of a person reconciled to the See of *Rome* within six days after such persons return into this Realm, and minister the Oath set forth, 1 *Eliz.* 1. § 19. N. 4. & 3 *Jac.* 4. § 24. N. 1. And are to certify the same Oaths so taken at the next Quarter Sessions, upon pain of forfeiture of 40 *li.*
- Pope.** XCVI. *Lamb.* 334. Any two Justices of the Peace may search the Houses and Lodgings of every Popish Recusant Convict, or of every person whose Wife is a Popish Recusant Convict, for Popish Books, and Reliques of Popery, and deface them, or if of value reserve to the General Sessions, 3 *Jac.* 5. § 26. N. 1.
- Bail.** XCVII. 1 & 2 *Phil. & Mar.* 13. § 3. N. 1. Any Arrested for suspicion of Man-slaughter, or Felony, shall not be let to Bayl or Mainprise by any Justices of Peace if it be not in open Sessions, except it be by two Justices of Peace at the least, whereof one to be of the Quorum, and the same Justices to be present together at the time of the said Baylment or Mainprise, &c. *Lamb.* 339. *Crompt.* 198. *b.*
- Joyndre.** XCVIII. *Lamb.* 343, 344. Out of Sessions, and before Indictment a Justice of Peace was no Judge of Record by the Commission, unless the Party were Prisoner, &c. And on the other side, It seemeth that two Justices of the Peace, the one of them being of the Quorum, may out of the Sessions Bayl such as come into Prison by the Process of the Sessions made upon Penal Laws, not forbidding Bayl, because two such Justices be competent Judges of all those matters, insomuch as they may hear and determine them.
- Ale.** XCIX. *Lamb.* 349. Two Justices of the Peace (the one being of the Quorum) may prohibit and remove common Ale-selling, and may also allow the same, taking Bond with Surety by Recognizance for good rule to be kept in such Ale-house, &c. by their discretion: And may also Commit and Imprison, for three days, those that keep common Ale-selling of their own heads, against Prohibition, or without Allowance thereof, and may after take Recognizance of them, with two Surties, that they shall keep none, 5 & 6 *Ed.* 6. 25. § 1. N. 2. *Crompt.* 198, 199. *Dalt.* 21. cap. 6.
- Measures. Weights.** C. *Lamb.* 351, 352. Two Justices of the Peace, so that the one be of the Quorum, may by Examination or Inquiry, hear and determine the defaults of Head-Officers in Cities, Boroughs, and Market-Towns, that do not twice yearly view and examine Weights and Measures, and break and burn the defective: As also the defaults of Buyers and Sellers by other Weights and Measures then they ought to do, and may break and burn the defective Weights



Weights and Measures, and Amerce and Fine the Offenders by their discretion, and make Proceſs againſt them, as if they were Indicted of Treſpaſs againſt the Peace, 11 *H.* 7. 4. § 1. N. 13. 12 *H.* 7. 5. §. N. *Crumpt.* 199. *b.* *Dalt.* 22. cap. 6. & 154. cap. 66.

CI. *Lamb.* 352. Two Juſtices of the Peace, the one being of the Quorum, <sup>Sheriffs</sup> may take the Oath of the Under-Sheriff of their County before that he meddle with the exerciſe of that Office, as well of Supremacy, 1 *Eliz.* 1. § 19. N. 4. as of Office, 27 *Eliz.* 12. §. N.

CII. *Lamb.* 352. The Biſhop and his Chancellor ſhall call the two Juſtices of Peace next inhabiting to any Hoſpital, to aſſiſt them in taking the account of ſuch as have had the Collection of the Revenues and Profits of ſuch Hoſpital, and they three may charge the Accountant under penalty to loſe ſuch Sum of Mony as they ſhall think meet to account, and not to delay it, &c. 14 *Eliz.* 5. §. N. & 39 *Eliz.* 18. <sup>Poor.</sup>

CIII. *Lamb.* 352, 353. Two Juſtices of the Peace, the one being of the Quorum, in or next to the limits where the Pariſh Church is, in which a <sup>Buſtard.</sup> Buſtard Child left to the charge of the Pariſh ſhall be born, ought to take order by their diſcretion, as well for the relief of the Pariſh and keeping of the Child, as alſo for the puniſhment of the Mother, and reputed Father thereof, 18 *Eliz.* 3. § 2. 2. N. *Crumpt.* 199. *Dalt.* 37. cap. 11.

CIV. *Lamb.* 353. Two Juſtices of Peace, the one being of the Quorum, <sup>Tythes.</sup> Tythes upon complaint by any competent Judge of Tythes, for any miſdeemeanour of the Defendant in a ſuit of Tythes, may cauſe him to be attached or committed to Ward, till he find Surety unto him by Recognizance to the King's uſe, to obey the Proceſs and Sentence of that Judge, 27 *H.* 8. 20. § 1. N. 7. *Crumpt.* 200.

CV. *Lamb.* 353. Alſo upon complaint in writing by an Eccleſiaſtical <sup>Tythes.</sup> Tythes Judge, that hath given definitive Sentence in Caſe of Tythes, againſt one which wilfully refuſeth to pay the Tythes, or Sums of Mony ſo adjudged, two ſuch Juſtices may cauſe the party to be attached and committed to the next Goal, till he find ſuch Surety as is aforeſaid to perform that Sentence, 32 *H.* 8. 7. § 4. N. 1. *Certiſcat. Br.* 31.

CVI. *Lamb.* 353, 354. After Execution had for the party Robbed againſt <sup>Freſh Suit.</sup> Freſh Suit the Men of the Hundred, and upon complaint made by them ſo charged, two Juſtices of the Peace, one being of the Quorum, of the ſame County, inhabiting within the ſaid Hundred, or near unto it, where any ſuch Execution ſhall be had, may Aſſeſs and Tax, ratably and proportionably by their diſcretions all and every the Towns, Pariſhes, Villages and Hamlets, as well of the ſaid Hundred, as of the Liberties within the ſame, towards an equal Contribution to be had for the relief of them, againſt whom ſuch Execution was had, *Dalt.* 22. cap. 6. 27 *Eliz.* 13. §. 5. N. 1.

CVII. *Lamb.* 354. Two Juſtices of Peace, whereof one to be of the Quo- <sup>Wayes.</sup> Wayes rum, which were preſent at the Session wherein any perſon was Convicted for any offence againſt the Statute 27 *Eliz.* 19. § 2. N. 3. of High-ways within the Wield of *Kent*, *Surry*, or *Suffex*, may make Warrant for levying the forfeits thereof to any Officer, and they alſo may appoint by their diſcretion ſuch ways and means to levy the doubles, for not paying thoſe forfeits within twenty days next after lawful demand of the ſame by ſuch Officer, 39 *Eliz.* 19. § 4. N. 6.

CVIII. *Lamb.* 354. Any two Juſtices of the Peace have power to hear <sup>Poor.</sup> Poor and determine all Cauſes that ſhall grow in Queſtion by the Statute of Rogues, 39 *Eliz.* 4. *Dalt.* 21. cap. 6. & 154. cap. 66.

CIX. *Lamb.* 354. Two Juſtices of Peace of, or near the place to which a Soldier, or Mariner cometh with a Teſtimonial of one Juſtice of Peace, ſhall take order by their diſcretion for ſetting to work, or relieving of him, if he cannot of himſelf get work there, or imploy himſelf in lawful courſe

- of Life, 39 *Elizab.* 17. §. 6. N. 1. *Dalt.* 22. cap. 6.
- Drapery.** CX. *Lamb.* 355. Two Justices of Peace dwelling next any City, or Town where any Retailer of Woollen Cloth shall present unto them any defective Cloth against this Statute, 5 & 6 *Ed.* 6. 6. §. 31. N. 1. being conferred with 4 & 5 *Phil. & Mar.* 5. § 34. N. 1. shall cause the same to be cut into three equal parts, whereof the one to be to the King, and the other to the Presenters, and the third to the Justices themselves, *Crompt.* 200. *Dalt.* 21. cap. 6. & 154. cap. 66.
- Admiral.** CXI. *Lamb.* 355. No Fisher-man shall be taken to serve as a Mariner by the King's Commission, but by the choice of two Justices of the Peace adjoining to the place where he is to be taken, 5 *Eliz.* 5. § 43. N. 1. *Crompt.* 200. *Dalt.* 86. cap. 34.
- Woods.** CXII. *Lamb.* 355. Two Justices of Peace, not being of Kindred, Alliance, Counsel or Fee to the Lord, or Owner of a wood appointed by the more part of the Justices of Peace at their Sessions, upon complaint of the Lord made unto them, may divide and set out the fourth part of it, if the Lord and Commoners thereof, being first called before them, cannot agree upon it, 35 *H.* 8. 17. § 7. N. 2. *Crompt.* 200. *ab.*
- Amerciaments** CXIII. *Lamb.* 335, 336. Two Justices of the Peace, whereof the one to be of the Quorum, appointed by the *Custos Rotulorum*, or by the eldest of the Quorum in his absence, are to Oversee and Controul the Sheriffs Books, and Amerciaments; and the Estreats of the said Amerciaments are to be made by Indentures betwixt them and the Sheriff, or Under-Sheriff, and to be sealed with their Seals; and they may, upon suggestion, make Process, as in an Action of Trespass, against the offenders to answer, 11 *H.* 7. 15. § 1. N. 17. *Crompt.* 200. *b.*
- Poor.** CXIV. *Lamb.* 356, 357. Two or more Justices of the Peace, whereof one to be of the Quorum, dwelling in or near the Parish, or Division where the Parish is, must nominate yearly in *Easter* week, or within one month after *Easter*, under their Hands and Seals, four, three or two, &c. to be Overseers of the poor, and the Church-Wardens, and Overseers, with the consent of two or more such Justices of Peace, set the Poor on work, Tax Inhabitants, and bind Children out, excuse to be allowed by two Justices, and accounts yearly, &c. And two such Justices may Tax any other Parish within the Hundred to contribute, to levy, and in default to commit, 42 *Eliz.* 2. § 1. N. 1. &c. *Dalt.* 154. cap. 66.
- Drapery.** CXV. *Lamb.* 357. The offences of Clothiers or others in not paying so much Wages to their Weavers, Spinsters, &c. as shall be rated according to this Act, being confessed by the Offender, or proved by two sufficient Witnesses before two Justices of the Peace, whereof one to be of the Quorum, the person offending shall forthwith stand Convicted thereof, and the forfeiture of 10 s. to the party grieved, to be levied by Distress and Sale, by Warrant from the same Justices, 1 *Jac.* 6. § 7. N. 2. *Dalt.* 21. cap. 6. & 156. cap. 66.
- Poor.** CXVI. *Lamb.* 357. Any two Justices of Peace of any City, Borough, Town Corporate, and places Priviledged, may Assess the Inhabitants thereof at such reasonable Taxes as they shall think fit, for relief of persons Infected with the Plague, and dwelling in houses Infected, to be levied by Warrant of two such Justices of Peace, and in default of Goods to commit, &c. 1 *Jac.* 31. § 2. N. 1. *Dalt.* 21. cap. 6.
- Pope.** CXVII. *Lamb.* 358. Two Justices of the Peace, the one being of the Quorum, may require any person of Eighteen years of Age, or above, Convict or Indicted for Recusancy, for not repairing to Divine Service, or which hath not received the Sacrament twice within the year then next past, or any unknown person passing through the County, confessing, or not denying, being Examined upon Oath, him or her self to be a Reculant, or

or that he or she received not the Sacrament, other then Noblemen or Noblewomen, to take the Oath in this Statute appointed, and are to certify in writing at the next Quarter Sessions the names and place of persons so taking the Oath, and to commit refusers to the common Goal without Bail until next Assizes, or Quarter Sessions, 3 *Jac.* 4. § 13. N. 2. &c. *Dalt.* 87. cap. 36.

CXVIII. 5 & 6 *Ed.* 6. 24. § 2. N. 1. No person to make Felts, Hats or Apparel. Coverlets, but by License by Mayor, Recorder, Steward, and two Justices of Peace of the said City of *Norwich*, or by four of them, &c. *Lambert* 359.

CXIX. 35 *H.* 8. 11. § 4. N. 1. Provided, That two Justices in every *Wales*. County of *Wales* and *Monmouth* may Tax Inhabitants for Wages of Citizens and Burgesses of Parliament, *Lamb.* 359.

CXX. 11 *H.* 7. 9. § 1. N. 5. None to let Ferm in *Tindal* and *Examsshire*, *Peace*. till Lessee with two Sureties of 40 s. per Annum be bound to the King by Recognizance in 20 li. before two Justices of the Peace of *Northumberland*, *Quorum unus*, to appear on six days notice before them, or at any Sessions, &c. *Lamb.* 359.

CXXI. *Lamb.* 359. That two Justices have power on 2 & 3 *Phil.* & Purveyors. *Mar.* 15. §. N. & 13 *Eliz.* 21. §. N. for prohibition of Purveyors within five miles of either of the Universities.

CXXII. *Lamb.* 359. Two Justices of Peace, one of the Quorum, have power on 14 *H.* 8. 6. §. N. & 26 *H.* 8. 7. §. N. for laying out new High-*Ways* ways in *Kent* and *Suffex*.

CXXIII. *Lamb.* 359. Two Justices, *Quorum unus*, have power for repair of *Cardiff* Bridge, 23 *Eliz.* 11. §. N.

CXXIV. *Lamb.* 359. The like for the making of the Bridge of *Wilton* over *Wye* in the County of *Hereford*, 39 *Eliz.* 24.

CXXV. *Lamb.* 359. The like for repair of *Chepstow* Bridge, 3 *Jac.* 23.

CXXVI. 35 *Eliz.* 6. § 2. N. 4. None to Erect new Building for Habita-*Cottages*. tion within three Miles of *London*, except Asses'd to Subsidy at 5 li. Goods or 3 li. Lands, or shall be adjudged by the two next Justices of Peace by writing, under their Hands and Seals, to be fit and able to be Assessed in the Subsidy at that rate, &c. *Lamb.* 359.

CXXVII. *Crumpt.* 199. b. Two Justices of Peace may give License to Fencers, Bearwards, Common-Players in Enterludes, Minstrels, Juglers, Ped-*License*. lers, Tinkers, and petty Chapmen to go, so that they shall not be taken for Rogues, 14 *Eliz.* 5. 39. *Eliz.* 4. §. N.

CXXVIII. *Lamb.* 360. Three Justices of the Peace one of them being *Riot*. of the Quorum, may discharge out of Prison any Person committed thither for his Offence in not declaring to a Justice within 24 hours that he was moved to joyn in any unlawful Assembly contrary to 1 *Mar.* 1. *St.* 3. cap. 12. §. 11. N. 1. & 1 *Eliz.* 17. §. N. *Crumpt.* b.

CXXIX. *Lamb.* 360. It is requisite that the Certificate that is to be made *Apprentice*. to the head Officer of a City, or Town Corporate, where a Child is to be put Apprentice to a Merchant, Mercer, Draper, Goldsmith, Ironmonger, Im-broyderer or Clothier, that the Father or Mother of such Child, may dispend forty Shillings freehold by the year, be under the Hands and Seals of three Justices of the Peace, where the Lands lye, 5 *Eliz.* 4. §. 27. N. 2. *Crumpt.* 200. b.

CXXX. *Lamb.* 360. 361. Four Justices of Peace of the County, Limit or *Pope*. Division, where a Recufant is confined according to the Statute of 35 *Eliz.* 2. §. N. With the assent in writing of the Bishop of the Diocess, or of the Lieutenant or Deputy Lieutenant of the same County, under their hands and Seals, may give licence to such Recufant, to travail about his necessary business according to the limitation of the same licence ( the Party licenced, first



- first taking his Oath, that he hath truly informed them of the Cause of his Journey, and that he shall not make any causless stayes 3 *Jac.* 5. §. N.
- Poor ways. CXXXI. *Lamb.* 361. The Bishop and his Chancellor and three such Justices of the Peace, have power to examine how mony or other relief appointed by King *H.* 8. or any other to the use of the Poor, or of amending of High-ways, or Bridges is bestowed, and to call to account the Detainers thereof, 14 *Eliz.* 5. §. N. 29 *Eliz.* 18. §. N. *Crumpt.* 200. *b.*
- Religion. CXXXII. *Lamb.* 361. It seemeth that three such Justices of the Peace, may out of the Sessions, take Information and Accusation by the Oaths of two honest Persons, against such as shall deprave the Sacrament of the Body and Blood, of our Lord and Saviour Jesus Christ against the Statute, and Examine them what other Witnesses were then by, and to bind them all by recognizance to give in Evidence at the day of Tryal, 1 *Ed.* 6. 1. §. N. but enquire of this matter, *Dalt.* 133. 134. cap. 49. *Crumpt.* 124. *a.*
- Ways. CXXXIII. *Lamb.* 361. 362. Four Justices of the Peace whereof one to be of the Quorum, may where a decayed Bridge is, and where it cannot be proved who or what Lands be chargeable to the repairing thereof, tax the Inhabitants, make Collectors, and appoint Overseers for the amendment of the same &c. 22 *H.* 8. 5. *Crumpt.* 200. *b.* 125.
- Imprisonment CXXXIV. *Lamb.* 362. Six Justices of the Peace may in fundry Shires, take order for the common Goals whereof the Sheriff shall have the Custody, and to the which Murderers, and Felons, &c. shall be sent, and may do and perform divers incidents thereto by the Statutes, 23 *H.* 8. 2. §. N. & 13 *Eliz.* 25. §. N. *Crumpt.* 200. *b.* 201. *a.*
- Sewers. CXXXV. *Lamb.* 362. Six Justices of the Peace two of them being of the Quorum may for a whole year after the expiration of any Commission of Sewers, execute the Laws of the Commissioners of Sewers, unless that a new Commission of Sewers be published within the year, 13 *Eliz.* 9. §. N. *Dalt.* 134. cap. 50. *Crumpt.* 201.
- Wales. CXXXVI. 34 & 35 *H.* 8. 26. §. 57. N. 1. The Justices of Peace in Wales, or two of them at the least whereof one to be of the Quorum, shall and may keep their Sessions within the limits of their Commissions four times in the year, and at other times upon urgent Causes, as Justices of Peace in England use to do, and shall have like Power and Authority in all things and fees, &c. *Lamb.* 362. so in *Cheshire* by, 27 *H.* 8. 5. §. 7. N. 1.
- Forfeiture. CXXXVII. *Lamb.* 365. 366. The Statutes do now and then correct the dulness of these Justices with some strokes of the Rod or Spur, and therefore generally if a Justice of Peace will not give remedy to a Party grieved in any thing that he may hear, determine or execute, then upon complaint to the Justices of Assize, or to the Lord Chancellor, he shall not only be put out of the Commission by the Lord Chancellor, but shall also be punished according to his demerits, 4 *H.* 7. 12. §. 1. N. 5. *Crumpt.* 144. *Lamb.* 94. 95.
- Sheriff. CXXXVIII. *Lamb.* 293. The *Custos Rotulorum*, or the Eldest of the Quorum in his absence ought at the general Sessions after St. Michael, to appoint two Justices of the Peace, the one being of the Quorum, to have the Oversight and Controlment of the Sheriffs entring of Plaints and Amerciaments, and one of those Justices may Examine, and without further enquiry convict the Gatherers of the same Amerciaments, if they gather any more Mony then is contained in their lawful Estreats, 11 *H.* 7. 15. §. 1. N. 20. *Dalt.* 136. 137. cap. 51. *Crumpt.* 195. §. 1c.
- Sessions. CXXXIX. *Lamb.* 4. cap. 1. pag. 373. A Sessions of the Peace, is an Assembly of any two or more Justices of the Peace (one of them being of the Quorum at a certain day and place within the limits of their Commission appointed to enquire by a Jury, or otherwise to take knowledg and thereupon to proceed to hear and determine according to their power for Causes

Causés within their Commission and the Statutes referred to their Charge.

CXL. *Lamb.* 375. The Justices of Peace do at their Sessions take Know- Indictments.  
ledg of Causés within their Jurisdiction, either by the Oath of the Inqui-  
rers or by the presentment or declaration of other Men; and this Inquiry  
is first prepared by the appearance of the Officers and Country: and by  
the Articles given in Charge, and then performed by the Presentment or  
Indictment of them that had the Charge to make it.

CXLI. *Lamb.* 375. 376. Now albeit that these Sessions be commonly Process.  
and most orderly summoned by a Precept in writing, yet is it not altoge-  
ther of necessity for the making of a lawful Sessions to have it so, for if  
competent Justices of the Peace do get men to serve, and thereupon do hold  
a Sessions without any Precept before directed, all presentments made be-  
fore them by twelve lawful men shall be of force in Law: but no man shall  
lose any thing for his default of appearance there, because no man had notice  
of their sitting by *Marrow*.

CXLII. *Lamb.* 376. A Precept to Summon the General Sessions of the Sessions.  
Peace, &c. *Ranc. ff. E. H. Miles & R. H. armig' Duo Justiciar' Domini  
Regis ad pacem in Com' K. conservand' nec non ad diversas felonias transgressi-  
ones & alia malefacta in dicto Comitatu perpetrata Audiend' & terminand'  
assignat' vicecom. ejusdem comitat' Salutem. Ex parte dicti Domini Regis  
tibi precipimus quod non omitras propter aliquem libertatem in Balliva tua quin  
eam ingrediariis: & venire facias coram nobis vel sociis nostris Justiciariis pa-  
cis, &c. tali die, &c. proximè futuro apud Maidstone in Com' predicto tam 24  
probos & legales homines de Quolibet hundredo in Balliva tua quum 24 milites  
& alios probos & legales homines de corpore Comitatus tui tam infra libertates  
quum extra quorum Quilibet habeat xl. s. redditus terrarum & tenement. libe-  
rum per Annum ad minus ad Inquirendum & ibidem super hiis quæ ex parte  
dicti Domini Regis iis injunguntur; scire facias etiam omnibus coronatoribus co-  
mitatus tui seneschallis constabulariis, subconstabulariis & Ballivis libertatum  
Infra hundreda & libertates predicta quod sint tunc ibi ad faciend' & perim-  
plend' ea quæ ratione officiorum suorum sunt facienda: proclamari preterea fa-  
cias per totam Ballivam tuam in locis idoneis predictam Sessionem pacis ad diem  
& locum predict' fore tenendum & tu ipse tunc sis ibidem ad faciendum & exer-  
cendum ea quæ ad officium tuum pertinent' & habeas ibi tunc tam nomina Jura-  
torum Coronatorum seneschallorum Constabulorum subconstabulariorum & Balli-  
vorum predict' quum hoc preceptum Datum sub sigillis nostris apud Shoreland in  
Com. predict' 16 Maii An. Regni &c. *Lamb.* 614. of special Sessions *Dalt.* 532.  
533. cap. 185. the new Edition.*

CXLIII. *Lamb.* 377. 378. This Precept may be made as here it is by *Joyndre.*  
any two Justices of the Peace, so that the one of them be of the Quorum,  
for two such may hold a Session of the Peace, as it doth plainly appear by the  
Commission, and therefore as *Mr. Marrow* saith, it sufficeth not to have it  
run under the name of the *Custos Rotulorum* alone, seeing that he hath no  
more Authority in this behalf then any one of his fellows hath for the words  
of the said Mandamus in the Commission §. 17. to the Sheriff be *coram nobis*,  
*venire facias tot & tales* &c. yea if two such Justices make a Precept for a Ses-  
sion of the Peace, all their fellow Justices cannot discharge it by their *Super-  
sedeas*, but a *Supersedeas* out of the *Chancery* will discharge it, saith *Fitz.*  
*Crumpt.* 122. b. §. 1.

CXLIV. *Lamb.* 378. If one Justice of the Peace alone, will take upon Estoppel.  
him to hold a Session of the Peace that was lawfully summoned by him and  
another such Justice, and will make the stile of the Session in the names of  
himself and the other, all presentments so taken before him may be avoyded,  
11 *H.* 7. 5. Records, *Br.* 81. But if the Sessions be in truth holden by two  
sufficient Justices only, and the stile or title thereof be made in the names  
of three, then all the presentments before them shall stand good: for it will  
not

not help the Party to say that one of the three was not there, when it shall appear that two of them, the one being of the Quorum, were present, which will suffice by *Marrow*.

Lieu.

CXLV. *Lamb.* 378. 379. The Place of holding them is Arbitrable and at the pleasure of the Justices themselves, so that it be meet for Access, and although the Precept do appoint the Sessions to be holden in some one Town by name, yet may the Justices keep it in any other Town, and all the presentments shall be good that shall be taken where they held it, but then again no Amerciament can be set upon any man for his default of appearance there, because he had no warning of it by *Marrow*.

Process.

CXLVI. *Lamb.* 376. So if two such Justices make a Precept for a Session to be holden in one Town, and two other Justices make another Precept for another Session to be holden at another Town, or in another part of the same Town the same day, then the presentments taken before either of them shall be good by *Marrow*, and then also it seemeth, that he that serveth at the one Session as a Juror or Officer shall be excused for his default at the other, &c. *Crompt.* 123. b. §. 20. *Dalt.* 532. cap. 185. §. 4.

Amerciament.

CXLVII. *Lamb.* 380. The Justices of the Peace be so necessary as without them, tho all others should appear no Session can be kept, and yet if any of them be absent their fellow Justices cannot Amerce them as the Justices of Assize may do, *Inter pares non de potestas*, and the Authority of all the Justices of the Peace at the Sessions is equal, so that like power hath he which is not of the Quorum, with him that is, except it be in special Cases set forth in the Commission and Statutes, and therefore it was holden 3 H. 7. Justice of Peace *Fitzb.* 3. that if one which is not of the Quorum will be so bold, as to rebuke one that is of the Quorum, he, and his Companions may not Commit him to Prison for it.

Riot.

CXLVIII. 381. And albeit the power of the Justices be joynt at the Sessions, yet to some purpose each one hath a distinct power by himself also, for if one of them sitting in his Judicial place shall see a Riot, he may cause the Parties to be Arrested, and may also Record the Riot, whereby they shall be so concluded as they shall have no answer to it, Justice of P. *Fitzb.* 9.

Appearance.

CXLIX. *Lamb.* 381. The Recognitors that stand bound to the keeping of the Peace, and to appear at the Sessions, and such like, be commonly tyed unto the Quarter Sessions &c. and those Prisoners that are sent by Justices of the Peace for Felony, or Manslaughter, or Suspicion thereof, or be let to Bail, or Mainprise upon any such Offence, be for the most part reserved till the Goal-delivery, &c. the rest of that Kind may be brought forth at every Sessions of the Peace.

Peace.

CL. *Lamb.* 382. Amongst the Offices that owe ordinary attendance at the Sessions the *Custos Rotulorum* hath worthily the first place, both for that he is always a Justice of the Quorum in the Commission, and amongst them of the Quorum: a man for the most part especially pickt out, either for Wisdom, Countenance, or Credit, and yet in this behalf he beareth the Person if an Officer and ought to attend by himself or his Deputy for the words of the Commission, §. 18. be to him now by his proper name *quod ad dies, & loca predicta; Brevia processus & indictamenta predicta coram te & dictis sociis tuis venire facias*, whereas until 14 Rich. 2. that charge was general to all the Justices, and not laid specially upon any one Person in the Commission, as it doth appear in the Tower by the Records.

Commission.

CLI. *Lamb.* 382. 383. *Marrow* saith, that seeing the other Justices may hold a Session without him, it is meet then they should have the Commission with them, but *Coke* in 9 Ed. 4. 2. holdeth that a Justice of the Peace in making any justification by vertue of his Office, needeth not to shew the Commission of the Peace, because the keeping thereof belongeth to the *Custos*



*Custos Rotulorum*, and for the same cause also the Bayliff of a Justice of Peace shall not be driven to shew the Commission, as it seemeth, 14 H. 7. 7. monstr. Br. 63.

CLII. *Lamb.* 383. But under the name of the Records of the Sessions of the Peace, I do not comprehend all manner of Records concerning the Peace, but those only which ought to be at the Sessions of the Peace, as Bills, Plaints; Informations, Indictments, Presentments, the Rolls of Processess, Tryals, Judgments, Executions, and all other the Acts of the Sessions of the Peace themselves, and furthermore the Ingrossment of the rates of Servants wages: all Recognizances of the Peace and Good abearing, Recognizances concerning Felonies and Alehouse-keepers, and such like as ought to be certified or brought to the Sessions of the Peace, must be numbred amongst the Records of the Sessions of the Peace, for of all these there may be use at the Sessions, and therefore the *Custos Rotulorum* or some for him ought to be ready there to shew them, *Lamb.* 388.

CLIII. *Lamb.* 384. Now altho it were before-time at the liberty of a Justice of the Peace to certify a Recognizance of the Peace to the *Custos Rotulorum* as 2 H. 7. 1. yet now by 3 H. 7. 1. §. 1. N. 26. he ought to certify, send, or bring the same, to the next Sessions of the Peace, that the Party may be called, and to the end also that his default, if he make any, may be Recorded, and by such record of his default he is concluded to say that he appeared there, 13 Ed. 4.

CLIV. *Lamb.* 384. 385. As for Precepts for surety of the Peace, the special Records for conviction of forcible Entries, Riots and such like, as be made out of the Sessions of the Peace by particular Justices, and be to remain with themselves and not appointed to be certified thither, I cannot reckon them in the number of the Records of the Sessions, *Kell.* 41. pl. 6. no more then I may well do the Inrolements of Bargains and Sales, and such other Records lying in the Charge of the *Custos Rotulorum*, or Clerk of the Peace.

CLV. *Lamb.* 390. Furthermore the Coroner (as the common form of the Precept sheweth, and the Stat. 27 H. 8. 5. §. N. presumeth) ought to be present at the Sessions, but yet that is not for to certify their Inquisitions which ought by 1 & 2 Ph. & Mar. 13. §. N. to be done at the General Goal-delivery, nor yet to receive any approver, for neither that belongeth to the Justices of Peace 9 H. 4. 1. but it is only, saith Mr. Marrow, because the Coroners be Parties to the Exigents, and be Judges of the outlary, howbeit they are besides that Conservators of the Peace also, and may in Cases commit men to Prison, and therefore ought to be at the Sessions to object against them.

*Ibid.* The Sheriff in like manner ought to attend at those Sessions for the double duty that he beareth, the one as Sheriff to return the Precept, to take the charge of Prisoners, and to serve the Court, otherwise as he hath in charge by the Mandamus in the Commission §. 17. the other because he also hath care and charge of the Peace, see *supra* 142.

CLVI. *Lamb.* 391. But the Ordinary oweth not his attendance at any Sessions of the Peace, as he doth at every Goal-delivery, in the Opinion of Mr. Marrow, indeed he is not warned by the common form of Precept, and therefore cannot so conveniently take knowledge of the Sessions of the Peace, howbeit I think that he ought to serve when he shall be called for matter of Clergy, *Poult. de pace*, 215. pl. 38. *Lamb.* 543. 544.

CLVII. *Lamb.* 395. 396. The Justices ought not to commit these Jurors of Enquiry to any Keeper, nor to keep them without Meat or Drink, nor to carry them out of the Town, and yet they may adjourn them to another place to give their Verdict.

CLVIII. *Lamb.* 397. 398. All others also may freely attend there, if

not for any thing that especially concerneth themselves, yet for the advancement of publick Justice, and for the service of the King, and to this end they are invited thither (as I may say) by a certain freedom of Access, and by protection from common Arrest, a thing that is incident to each Court of Record, and without the which Justice should be greatly hindred, so that if a man come voluntarily to these Sessions with the mind either to prefer any Bill of Indictment, or to give Information against another, or to tender a Fine upon an Endictment, touching himself, or do come compelled, to make appearance for the saving of his Bond, and be arrested by the Sheriff upon common and original process in his coming thither, or during his tarrying there, it seemeth that upon Examination of the matter under his Oath, he shall be dismissed thereof by the Priviledg of this Court, even as it is used in the higher Courts at *Westm.* 1 *H.* 7. 12, &c. 2 *H.* 7. 4. priviledge *Br.* 35. *Boult.* 2. cap. 3. pag. 8. §. 36. *Crumpt.* 141. b.

Inquest.

CLIX. *Lamb.* 399. The Justices of Peace, saith Mr. *Fitzherbert*, for their parts be bound to inform the People, and no doubt the Charge is given as well to instruct those that be ignorant lest they offend unawares, as to inquire of those that have already fallen into danger by Offence, and thereof it is that many Statutes do expressly command that they shall be openly read or declared at the Sessions.

Charge.

CLX. *Lamb.* 400. The manner of giving the Charge and receiving the Verdict at this day, differeth from that which the Justices in Eyre were wont to use, for you may see in *Bract.* 116. a. that first one of the Justices did open before the whole Assembly, the benefits of the service in hand, the commodities of keeping the Peace, and the Evils of the contrary, and that then the Articles of the Charge were read, by one and one to the Jurors (who receiving the same at the hands of the Justices, did also make answer in the yielding up of their verdict to each Article severally, and by it self, which Custom as it had many profits, so is it worthy in mine Opinion to be recontinued and brought in ure again, *Crumpt.* 11. a. b. *Boult.* 2. cap. 4. pag. 9.

Jurisdiction.

CLXI. *Lamb.* 403. I know that Mr. *Fitzh.* was of opinion, that the Justices of the Peace ought at their Quarter Sessions, and might at their private Sessions, give in charge to the Enquest all such matters as they have power to determine, and this he urgeth as well by the Oaths of the Justices who are sworn to do right in all Causes within their Commission or Statutes, as also by the ignorance of the Jurors who be instructed only by the Charge, which if it be so, I see not for my part how either these Justices that are bound to utter all, can be discharged, or the Jurors that ought to hear all, can be informed without this or some such compendious and plain way, that may both shortly for the time, and lightsomely for the order, comprehend the chief substance of all that which belongeth to their Inquiry: howbeit as I think it the best, for the Justices to rehearse all such points whereof the Jury may make presentment before them; so yet I hold them discharged in my slender opinion, if they unfold only the Articles of their Commission and of such other Statutes as do expressly Authorize them to make enquiry.

Indictment.

CLXII. *Lamb.* 498. I will advise that the Justices shall rather peruse the Bills after that the Evidence shall be thereupon given to the Jury, then to put their pens into them before that the Enquest shall be enformed, taking it to be not only no hinderance at all to the service, but also the most wary and secure way for the Justices themselves to walk.

Suggestion.

CLXIII. *Lamb.* 500. In some Cases therefore these Justices may hear one another, for every Justice of Peace may upon his proper knowledge make presentments at the Sessions of any Offences done against 2 & 3 *Ph.* & *Mar.* 8. & 5 *Eliz.* 13. Concerning the amendments of the High-ways, and in this and such like cases his report hath the force of a Presentment of  
twelve

twelve Men, so that he and his Fellows may proceed upon it, 21 H. 6.

5. CLXIV. *Lamb.* 501. I think that before Justices of Peace, these Sug- Information.  
gestions and Informations both of private Persons, be they by word or writ-  
ing, are but of the force to stir up the Justices to recommend the Cause to  
the Inquest, and not to Award any Process upon them, unless it be in cer-  
tain Cases where that validity is especially given by the Statutes.

CLXV. *Lamb.* 506. In the rest of the Statutes (*viz.* except 1 *Eliz.* 2. 3. Process.  
& 5 *Eliz.* 1. & 23 *Eliz.* 1.) so far as I have found their power of Enquiry,  
is accompanied with the Authority to hear and determine also, for this  
want of Jurisdiction is not found in the Commission of the Peace it self;  
but only in certain Statutes, that for weighty Causes do restrain this further  
proceeding.

CLXVI. *Lamb.* 507. This Writ of *Certiorari* is ever directed to the Certiorari.  
Justices of Peace, and yet the *Custos Rotularum* only hath the keeping of these  
Records, but the ancient Commissioners of the Peace had no *Custos Rotu-*  
*lorum*, especially named in them, and then this certifying belonged to them,  
all which form the Writ retaineth to this day, and if it fall in Question  
whether such a *Certiorari* were delivered to the Justices of Peace or no, that  
must be tryed saith 10 H. 7. 24. by the Verdict of Twelve men.

CLXVII. *Lamb.* 508, 509. In the making of a Certificate upon this Certificate.  
*Certiorari*, the Justices of Peace ought neither to omit that which doth  
Authorize them, nor to exceed that Authority which belongeth unto  
them. For on the one side if they Certifie an Indictment of Felony, or of a  
Riot as taken *Coram Justiciariis ad pacem* it was not thought enough with-  
out saying further, *necnon ad diversas Felonias*, &c. and otherwise it was  
doubted, whether the Indicted should be quite dismissed or no; because the  
Justices of Peace had then no Record at all remaining with them, for the  
Clerk of the Peace maketh his Entry accordingly, and that Record which  
they sent up is Insufficient; and therefore the Clerk of the Crown was  
forbidden to receive any such Certificate 12 H. 7. 25. But happily the  
new words in the reformed Commission of the Peace will now dissolve that  
Prohibition. On the other side, If they Certifie an Indictment of Felony  
not determined in *B. R.* they ought not without Warrant to Certifie ano-  
ther Record of the Acquittal of that Indicttee for the same matter, for no-  
thing ought by them to be sent thither without Warrant, but that which is  
Executory and needeth the help of that higher Court. 8 Ed. 4. 18.

CLXVIII. *Lamb.* 512. The Authority of making Process upon Indict- Process.  
ments, is given by expresse words in the Commission §. And in other Cases  
where it is not namely given, it is implied of Congruous or rather of ne-  
cessity in the words hear and determine, which cannot be performed, un-  
less the party either do come in Gratis, or be brought in by the power of  
Process.

CLXIX. *Lamb.* 513. In as much as the words of the Commission §. Be Utlary.  
*quousque Capiantur, reddant se aut utlagentur* it followeth that in all Cases of  
Indictments, if the Party be returned insufficient, the Process of utlary ly-  
eth against the Offendor, if he be not taken before, or do not otherwise of-  
fer and yeild himself, and then the power of these Justices endeth with the  
utlary, for they can make no *Capias Utlagatum*, but must certify the utla-  
ry in *B. R.*

CLXX. *Lamb.* 520. The Power of making Process upon Informations Process.  
proceedeth from special Statutes, and may not therefore vary from their  
direction although they themselves do vary very greatly one from ano-  
ther.

CLXXI. *Lamb.* 525. How far this Discretion of Justices in 17 Ed. 4. 4. Judgment.  
§ 1. N. 13. of Tile-makers, and the word otherwise may be extended in this  
and



- and such like Cases it cannot well be foretold, for it is referred unto them, and they must take Counsel *ex re* and *ex tempore* for it.
- Proof.** CLXXII. *Lamb.* 526. This manner of Tryal by Examination, is not loosely permitted to the Justices of the Peace; but in Cases only where either the Statutes do generally refer the Tryal to their Discretions, or else do specially Authorize them to take the Examinations.
- Traverse.** CLXXIII. *Lamb.* 533. Mr. Brooke noteth 5 *H.* 7. 3. Traverse *per Br.* 182. That it is not much used to Traverse Indictments before Justices of Peace, but rather to remove them in *B. R.* and to Traverse them there, howbeit common Experience at this day can shew many Traverses before Justices of the Peace, also *Dalt.* 407. *Cap.* 133. And there is no doubt, but that as Justices of Peace have power to Award Process, and the Parties also have Liberty to speak for themselves, so having spoken, the Justices may hear and determine of their Speech, whether it touch them in Freehold or otherwise.
- Sessions.** CLXXIV. *Lamb.* 532. *The Stile of the Sessions* Kanc. ff. *Alias scilicet ad (Generalem) Sessionem pacis (Comitatus predicti or tent' pro Comitatu predicti) tent' apud B. in Com' predicti die Martis proxime ante festum Sancti Mathei Apostoli Anno Regni, &c. Coram J. S. Milite, Umfrido W. & aliis sociis suis Justiciariis Dic' Domini Reg' ad pacem in J. M. Comitatu predicti Conseruand' necnon ad diversas Felonias transgressiones & alia malefacta in eodem Comitatu perpetrata audiend' & terminand' assignat' per Sacram' duod' Juratorum presentatum existit, &c. Lamb. presidents. 1. § 1.*
- Coron.** CLXXV. *Lamb.* 541, 542. It seemeth by Marrow and Fitz-Herbert, 16. That albeit two Justices of the Peace, the one of them being of the *Quorum*, may hear and try Felonies, yet no Justices of the Peace have Authority to deliver Felons by Proclamation, or without sufficient acquittal, nor yet to deliver such as be in Prison for Suspicion of Felony, *Crumpt.* 122 *b.* § 5.
- Process.** CLXXVI. *Lamb.* 542. And such Persons if they cannot be Indicted, must either remain the coming of the Justices of Goal Delivery as the common manner now is, or else being removed in *B. R.* they are either to be delivered thence upon the Writ *de Gestu & fama*, as the old Order was, or by such other means as they at this day do use therein.
- Dayes.** CLXXVII. *Lamb.* 543. It hath been thought unmeet that they should Try a Felon the same day, in which they Awarded the *venire facias* against the Jury, 22 *E.* 4. *Coron.* 44. but that hath no necessity, and the Law is now otherwise taken.
- Pleadings.** CLXXVIII. *Lamb.* 544, 545. If a man Utlawed of Felony by Process before the Justices of Peace, be brought before them, and do alledge that he was at the time of the Utlawry pronounced, out of the Realm in the Kings Service under such a Captain, or that he was then Imprisoned in another County, they can neither write to the Captain nor into the County by the opinion of Marrow. But by 22 *H.* 8. 14. § N. & 32 *H.* 8. 3. § N. all manner of Forreign Pleas triable by the Country hereafter, to be pleaded by any Person Arraigned upon any Indictment, for any Petty-Treason, Murder or Felony, shall forthwith be Tried before the same Justices before whom such Persons shall be Arraigned, and by the same Jurors of the same County that shall Try the said Petty-Treason, Murder or Felony, without any further respite or delay, in whatsoever place of the Realm the matter of the same Pleas be supposed or alledged.
- Tryals.** CLXXIX. *Lamb.* 545. Thus much only of things, restraining the Justices of Peace in the Tryal of Felonies, wherein also they are not now a-dayes much occupied, the rather because they commonly defer it till the coming of the Justices of Assize, by reason that 1 & 2 *Ph. & Mar.* 13. § N. & 2 & 3 *Ph. & Mar.* 10. § N. do enjoin them to Certifie at the next General Goal Delivery, both the Examination and Bonds that they shall take concerning

concerning Felons, and Suspects that are brought before them, nevertheless their power is no whit restrained to proceed before the coming of those Justices.

CLXXX. *Lamb.* 545. This I may add (not as a restraint, but for the enlargement of the Authority of Justices of the Peace, that if they see cause, and do write to the Clerk of the Crown of *B. R.* for the names of any persons, being elsewhere attainted of Felony by Utlary, or being Clerks Convicted or Attainted, he ought without delay, and under the pain of 40 s. to certify the same unto them, together with the Causes of such Attainder or Conviction, 34 & 35 *H. 8.* 14. §. N. Certificate.

CLXXXI. *Lamb.* 561. He that is orderly Convicted before them in their General Sessions, of the deceitful getting of any Goods into his hands, by means of any false Token or counterfeit Letter made in the name of any other, may be adjudged by them to suffer imprisonment, standing on the Pillory, or any other Corporal pain that they shall appoint, except the pains of death. 33 *H. 8.* 1. §. 2. N. 2. Judgment.

CLXXXII. *Lamb.* 565, 566. Where the Conviction is for trespasses against the Peace, Riots and such other Contempts and Offences against the Commission or Statutes, for the which no certain Fine is appointed, there the Judgment is, that the prrty shall be taken to satisfy the King for his Fine, and thereupon the *Capias pro fine*, if the Party cannot be found, other judicial Process goeth out till he be Ut-lawed, unless it be in a very few Cases, where by the words of the Statutes themselves, they may proceed to Assess the Fine in the absences of the parties, without calling them to it by any Process, for so it standeth in 5 & 6 *Ed.* 6. 25. §. N. of Ale-houses, and 5 *Eliz.* 13. §. N. of High-ways: But if the party be brought in, then is he a Prisoner, and then are the Justices of Peace by their discretion to Assess the Fine, and to Estreat it, and to deliver him. Execution.

CLXXXIII. *Lamb.* 568. If the offence be Finable by general words only, without speaking of any Fine, or without shewing by whom the Fine shall be Assessed, for so it is commonly in the elder Statutes that do prohibit any thing to be done, there the Assessment thereof belongeth to the Justices, before whom the Conviction is lawfully had. Amerciaments

CLXXXIV. *Lamb.* 569. This Fine or Pain Awarded by the discretion of the Justices of Peace, shall do the more good both to the Prince, in profit to the people in Example, and to the Justices themselves in Credit, if it be pronounced at the Bench openly as it ought to be, and not shuffled up in a Chamber, or corner secretly, as in some places it hath been used to be. Fines.

CLXXXV. *Lamb.* 570. But (the mitigation where Fines are certain by Statutes, &c.) in my mind is so void of sound Reason, that I cannot recommend it to the Justices of Peace, but do rather condemn it as a mockery of the Law, yea I find that sundry Statutes (fearing belike some such thing) have specially prevented it, Commanding that Justices of Peace shall Assess no less Fine then is in those Statutes themselves before-hand appointed. See *Poor* 537. *Qu.* 8. Process.

CLXXXVI. *Lamb.* 572, 573. And hereby (*viz.* by 14 *R.* 2. 11. §. 1. N. 3. that gives Fees to Eight Justices levyable by Indenture between Sheriff and them) as I think the Estreats of the Justices of the Peace be now an immediate Warrant for the Sheriff to levy not only the Fines and Amerciaments, but also all other Issues, Penalties, Losses, Forfeitures, and Sums whatsoever; arising before them, such order is taken, 33 *H. 8.* 10. §. N. of the six weeks Sessions, for the levying as well of Fines and Amerciaments, as of Pains, Losses, and Forfeitures of mony: So did 2 & 3 *Phil. & Mar.* 2. §. N. of Tillage, by way of admittance, rehearse, That Justices of the Peace may make out Process for the levying of Fines and Forfeitures before themselves: So doth 31 *Eliz.* 7. §. N. of Cottages appoint: And so are the Estreats made for Fees.

for the most part, and the Fines and Forfeitures thereby levied at this present time, if I be not deceived.

Execution.

CLXXXVII. *Lamb.* 574. Howbeit I do not think that in our Case, this duty of Estreating is so peculiar to the Clerk of the Peace, but that the Justices of Peace themselves ought also to have a common and careful Eye unto it, for it is both specially provided for in the Commission, § 16. And also an Article of their Oath, to see unto the faithful Entry and Certificate of the Issues, Fines, Forfeitures and Amerciaments that do happen before them; and therefore it were well done in mine opinion, if the Justices would by turns, or otherwise, both take knowledge of things that have passed before them; and also take order that the same be Certified accordingly, lest otherwise it lye altogether in the Power of the Clerk of the Peace to save or slay, as one said the *Sparrow* that he holdeth closed in his hand.

Information.

CXXXVIII. *Lamb.* 575. Albeit that the Justices of the Peace have this power to make Warrant for levying the Amerciaments, Fines, or other Forfeits that grow unto the King by their Service, yet is it commonly thought that they may not but in some Cases only, and that by special speech of the Statutes make Execution, either for him that will sue, or for any other of such part of the Forfeiture as the Law doth afford them.

Certiorari.

CXXXIX. *Lamb.* 581. But in Cases where Justices of the Peace have power to receive Indictments, and no power to proceed any further upon them, there they ought to send up and certifie the Indictments themselves, and that of duty, as I think, without any *Certiorari* commanding the same, because having no Authority to hear and try the Offences, the Records thereof shall be unprofitable before them, and therefore they can have no just cause to retain them: And yet for the more surety, it is specially Comanded by 5 *Eliz.* 1. § 3. N. 2. that they shall certifie the Presentments of some offences against that Statute.

Sessions.

CXC. *Lamb.* 584, 585. The General Sessions of the Peace be those which are provided for the General Execution of the Authority of the Justices of Peace, whether you respect the limits of the place within their Commission, or the bounds of power, proceeding from the Commission and Statutes; for at these Sessions, as saith Mr. *Fitzherbert*, generally all things ought to be given in Charge that do lye within the Authority of these Justices to be determined: These be moreover called the Quarter Sessions, because they be holden Quarterly, or four times in the year: And the Statute 4 *H.* 7. 12. § 1. N. 4. termed them Principal Sessions, for that in them chiefly the power of Justices of the Peace doth shine and shew it self, in which respect 27 *Eliz.* 19. § 2. N. 7. And some other Statutes do give the name of open Sessions, also *Infra*, 260.

Appointment.

CXCI. *Lamb.* 585, 586. The manner is in some Shires to Summon yearly 6 standing Sessions of the Peace, in others 8, in others 12 or 16, and in others otherwise, all which is done chiefly upon pretence to ease the Inhabitants of the County, for whom it would otherwise be very painful to travel so often, and far from all the parts of the Shire to any one place of the same. And therefore such as do maintain six or eight Sessions, do use to Summon all the whole Shire to a couple of them, and to the residue they call only such parts of the Shire as they do there specially appoint: But yet so, that upon the reckoning each Corner of the Country, gathereth Attenders at four several Sessions, which also falleth out accordingly in those Shires, where they have twelve or sixteen Sessions: For albeit that they do not at any one time Summon the Shires to any one place, as the other do; yet dividing their Shire into three or four parts, and keeping four several Sessions in each of those parts; they also, as well as the other, do serve their whole Country with four sundry sittings; and therefore in mine opinion, though none



of these do follow the precise Letter of the Law, which requireth but only four Quarter Sessions in every year, yet every of them draweth near to the true meaning of the Law, which looketh for nothing else but that the Court of these Sessions should yearly be four times opened for the whole County.

CXCII. *Lamb.* 586, 587. But if there be any that do for this purpose divide their Shires into halves, and do hold only four Sessions in the year, that is to say, two in one part, and two in the other, calling the one half of their Hundreds to those two Sessions at the one place, and the other half to the other two Sessions holden at the other place: These men, as some have thought, do neither retain the Letter, nor attain the meaning of the Law in this doing, for upon the matter, no part of their shire hath any more then two Sessions, which manner who seeth not how much it may hinder Justice?

CXCIII. *Lamb.* 588. Neither may I well omit, that this doing may breed Danger to the Justices themselves, while any of them having taken a Recognizance of a Tipler, doth not certifie it until the Sessions happen to be in his own part, and in the mean season the next Sessions of the Peace within the Shire, chanceth to be holden in the other part, whereof what may follow 5 & 6 *Ed.* 6. 25. §. 2. N. 3. will tell you, and teach them the like Fault, is it not the like Forfeit so to retain a Recognizance taken for the Peace, as you may see, 3 *H.* 7. 1. §. 1. N. 26.

CXCIV. 25 *Ed.* 3. 8. §. 1. N. 1. *Item*, That the said Justices make their Sessions in all the Counties of *England*, at the least four times a year, that is to say, at the Feast of the Annuntiation of our Lady, *St. Margaret*, *St. Michael*, and *St. Nicholas*, and also at all times that shall need, according to the discretion of the said Justices, *Lamb.* 588. 590. *Crompt.* 123. §. 10. 12.

CXCV. 36 *Ed.* 3. 12. §. 1. N. 1. *Item*, In the Commission of the Justices of the Peace, and of Labourers express mention be made, that the same Justices make their Sessions four times by the year, that is to say, one Sessions within the *Wlas* of the Epiphany, the second within the second Week of Lent, the third betwixt the Feast of Pentecost, and of *St. John Baptist*, the fourth within the eight Days of *S. Michael*. *Lamb.* 589. 590.

CXCVI. *Lamb.* 589. The Statute 12 *R.* 2. 10. §. 1. N. 2. doth afterward set the matter at liberty, saying, That the said six Justices, shall keep their Sessions in every Quarter of the year at the least, and by three days if need be, upon pain to be punished according to the discretion of the King's Council, at the suit of every man that will complain: But they of *Middlesex* be excepted by 14 *H.* 6. 4. §. 1. N. 3. *Crompt.* 124. §. 21.

CXCVII. *Lamb.* 589. Lastly, The Statute 2 *H.* 5. 4. §. 2. N. 2. and (that the Justices of the Peace) make their Sessions four times by the Year, that is to say, in the first week after the Feast of *St. Michael*, and in the first week after the Epiphany, and in the first week after the Clause of *Easter*, and in the first week after the Translation of *St. Thomas* the Martyr, and more often if need be. And that the same Justices hold their Sessions throughout the Realm of *England* in the same weeks every year from henceforth.

CXCVIII. *Lamb.* 589, 590. That 25 *Ed.* 3. 8. §. 1. N. 1. doth in shew and in common opinion concern the Sessions of the Justices of the Peace, but in truth it belongeth not at all to them, for it was made to direct the Justices of Labourers, in the time of holding their Sessions, and they were not Commissioners of the Peace, but especial Justices for the Causes of Labourers alone, not resident in the Country, but sent down for the time of that Service, as it may expressly appear, not only by the Preamble, and all the

the parts of the said Statute it self, but also by 28 *Ed. 3.* 5. §. N. & 31 *Ed. 3.* 6. §. N. & 34 *Ed. 3.* 11. During all which time the Wardens of the Peace were neither called Justices by any Statute, nor Authorized to deal with Labourers until 42 *Ed. 3.* 6. *Crompt. 123.* § 12.

Sessions.

CXCIX. *Lamb. 599.* But neither that 36 *Ed. 3.* 12. maketh any Law for holding the Sessions of the Peace at this day, as well because it was set at large by 12 *R. 2.* 10. as also if it were not because the Commissions of our time use no such mention as it Commands.

Days.

CC. *Lamb. 591.* That 2 *H. 5.* 4. restrained 12 *R. 2.* 10. yet so as one of these Statutes doth not fret the other, but the latter is an Exposition of the former, so that it is all one as if they both had been but one Law, and should have said that the Justices of Peace shall hold their Sessions in every quarter of the year at the least, namely in the first week after St. Michael, in the first week after the Epiphany, &c. *Crompt. 123.* b. §. 17, 18.

Sessions.

CCI. *Lamb. 591, 592.* Now to prove that the Quarter Sessions of the Peace were, or ought to be holden after the Prescript of 2 *H. 5.* 4. until 5 *Eliz. 4.* § 2. N. 1. First Mr. Marrow saith plainly, that in his days the Quarter Sessions were so holden: Secondly 11 *H. 7.* 15. § 1. N. 20. & 19 *H. 7.* 6. § 1. N. 15. & 4 *H. 8.* 7. § 6. N. 2. & 27 *H. 8.* 5. § 1. N. 4. & 32 *H. 8.* 43. § 1. N. 8. do account of these Sessions to be holden accordingly, *Crompt. 123.* § 18.

Days.

CCII. *Lamb. 594, 595.* upon 5 *Eliz. 4.* § 2. N. 1. some have thought that 2 *H. 5.* 4. is Repealed, because this Statute was made for Labourers, and it falls out unseasonable to hold the Michaelmas Sessions so near the Term: And others do think the contrary, that some part of the Statutes of Labourers must needs remain in force, because all are not Repealed, and therefore 12 *R. 2.* 3. & 23 *H. 6.* 13. be yet in force, for so much of them as doth concern Victuallers, &c. for that they concern not the Hiring, Keeping, &c. or order of Servants, &c. (which might be done without the Sessions of the Peace) but the General Service of the Commission, and Statutes that Authorize the Justices of Peace, &c.

Apprentice.

CCIII. *Lamb. 595.* Neither was there ever, say they, any Quarter Sessions holden, only for the Causes of Labourers by the Justices of the Peace, although the petty Sessions of Constables were chiefly holden to that Service.

Sessions.

CCIV. *Lamb. 596.* But to make the proof full, they add that 5 *Eliz. 4.* § 15. N. 1. speaketh of the Quarter Session to be holden after Easter, which cannot be understood of any other of these Statutes, but only of 2 *H. 5.* 4. because the rest that have certainty do appoint that Session, either at the Annunciation of the blessed Virgin, or in the second week of Lent, and likewise 8 *Eliz. 9.* §. N. of Prizes of Vessels 14 *Eliz. 5.* §. N. & 18 *Eliz. 3.* §. N. of poor, have mention of the Quarter Sessions to be holden next after Easter, which Statutes, as they make not in this point a new Law, but be grounded upon former Law supposed to be in force: So allowing of any one of these four Sessions they do therein give allowance of all the other three also.

Days.

CCV. *Lamb. 597.* Now if it shall seem to any Man strange, that I move Questions of the time of holding these Sessions, 1. It is one Article of their Oath, that they shall hold their Sessions after the form of Statutes thereof made. 2. The Articles of many Statutes are enquirable, as it may seem only at the Quarter Sessions, because they are not in the Commission at all, and the Statutes themselves do appoint of no other Inquiry touching them but at the Quarter Sessions only: And then if the Justices of Peace, do not hold their Quarter Sessions according to the times appointed by the Law, they be no Quarter but Special Sessions, and consequently such Statutes shall either not be enquired of at all, or else enquired of without Warrant, both which be very great inconveniencies.

CCVI. *Lamb.*

CCVI. *Lamb.* 598. Touching the continuance of these Quarter Sessions: Sessions.  
Almost two hundred years ago it was ordained 12 R.2.10. That they should be continued three days together, if need were, upon pain of punishment; and yet in these days of ours, wherein the Affairs of the Sessions be exceedingly increased, and consequently more need to prolong them now then before, many do scantily afford them three whole hours, besides that time which is spent in calling of the Country, and giving of the Charge.

CCVII. *Lamb.* 598. The Justices of Peace may in their open Quarter Sessions enquire of, hear, and determine all Offences, except Treason, and Misprision of Treason, committed against 23 *Eliz.* 1. § 9. N. 2. *Crumpt.* 124. *b.* Pope.

CCVIII. *Lamb.* 299. They may also, in their open Quarter Sessions, enquire of such as do extoll the Usurped Authority of the See of Rome against 5 *Eliz.* 1. § 3. N. 1. And the Clerk of the Peace must read that Act at every of the Quarter Sessions, *Crumpt.* 122. *b.* §. 6. Pope.

CCIX. *Lamb.* 599. All the Articles mentioned in the Statute 33 H. 8. Maintenance.  
10. of Vagabonds, Retainers, and Liveries, Imbraceors, Maintainers, &c. shall be enquired of, and reformed by the Justices of the Peace in their Ancient Quarter Sessions, 37 H. 8. 7. § 2. N. 3. *Crumpt.* 124.

CCX. *Lamb.* 599. They may, in their General Sessions, determine of the Offences of Killing and Selling Wainlings under two years of age, 24 H. 8. 9. § 3. N. 1. and of the Offences of not keeping Milch Kine and Calves, 2 & 3 *Phil. & Mar.* 3. § 3. N. 2. *Crumpt.* 124. *b.* Cattle.

CCXI. *Lamb.* 599. The Enquiry, Hearing, and Determinations of Forefallings, Ingrosings, and Regratings, may be at the Quarter Sessions, 5 & 6 Ed. 6. 14. § 10. N. 1. *Crumpt.* 124. *b.* Market.

CCXII. *Lamb.* 599. The Inquiry whether Ale-house-keepers have forfeited their Recognizances, ought to be at the Quarter Sessions, 5 & 6 Ed. 6. 25. § 3. N. 1. *Crumpt.* 125. Ale.

CCXIII. *Lamb.* 599. The Fine for Unlawful Hunting by Night, or with painted Faces, shall be set at the next General Sessions, 1 H. 7. 7. § 1. N. 6. *Crumpt.* 124. *b.* Forrest.

CCXIV. *Lamb.* 599, 600. If the party bound to his Good abearing seven years, according to 3 *Jac.* 13. § 6. N. 1. against Unlawful Hunting, and stealing of Deer, and Conies, do within the same time before the Justices of the Peace of the County, where the offence was committed, or some of them, in the open Quarter Sessions acknowledge his offence, and that he is sorry therefore, and satisfy the party grieved; the same Justices in the same open Sessions, or in any other, may discharge the Recognizance and Bond so taken, and the party bound. Forrest.

CCXV. *Lamb.* 600. Justices of Peace in their General Quarter Sessions have Authority to examine, hear and determine the offences committed against 1 *Jac.* 27. § 5. N. 2. of Fefants. Fowl.

CCXVI. *Lamb.* 600. Justices of Peace may in their Quarter Sessions enquire of, hear and determine the Offences of putting to pasture, any stoned Horses, &c. under the Hight appointed by the Statute, 32 H. 8. 13. § 8. N. 1. *Crumpt.* 124. *b.* Cattle.

CCXVII. *Lamb.* 600. They may at their like Sessions enquire of, and determine the Offences of not amending High-ways, 2 & 3, *Ph. & Mar.* 8. §. 2. N. 10. 5 *Eliz.* 13. §. 9. N. 1. & 18 *Eliz.* 19. §. 9. N. 1. *Crumpt.* 125. Ways.

CCXVIII. *Lamb.* 600. In their Quarter and General Sessions, they ought to inquire of, hear and determine, the Offences of not keeping continual Households, upon the Precincts of the late Monasteries, 27 H. 28. §. 9. N. 1. 5 *Eliz.* 2. §. N. *Crumpt.* 124. *b.* Husbandry.



- Information.** CCXIX. *Lamb.* 600. In their Quarter Sessions they may hear and determine the Offences of Informers, 18 *Eliz.* 5. §. 4. N. 4. *Crompt.* 125.
- Oath.** CCXX. *Lamb.* 600. And at the like Sessions they may do the like, for Offences in Perjury, 5 *Eliz.* 9. §. 9. N. 1. *Crompt.* 124. a.
- Collusion.** CCXXI. *Lamb.* 600. 601. Such as be suspected of using counterfeit Tokens, or Letters, may be called by Process to the next General Sessions, and must be convicted there, 33 *H.* 8. 1. §. 2. N. 1. *Crompt.* 125.
- Woods.** CCXXII. *Lamb.* 601. Justices of the Peace may in their open Quarter Sessions, call before them the owner of a wood, and 12 of the Commoners there for setting out the fourth Part thereof, 35 *H.* 8. 17. §. 7 N. 2.
- Poor.** CCXXIII. *Lamb.* 601. The Taxes for relief of the Infected with the Plague, must be certified at the next Quarter Sessions, and the same is to be enlarged, extended or determined, as to the Justices of Peace there or the more Part of them shall be thought fit, 1 *Jac.* 31. §. 6. N. 1.
- Apprentice.** CCXXIV. *Lamb.* 601. The proof of the Sufficiency, or Insufficiency of the Cause, for which the Master may put away his Servant, or the Servant may depart from his Master, before the end of the Term, shall be made at the Quarter Sessions, 5 *Eliz.* 4. §. 8. N. 1.
- Licences.** CCXXV. *Lamb.* 601. The Licences for Badgers, Drovers, &c, are to be granted at the open Quarter Sessions, 5 *Eliz.* 12. §. 4. N. 1. *Crompt.* 124.
- Corn.** CCXXVI. *Lamb.* 601. And the Prohibition of transporting Corn, is to be made by the major Part of the Justice of the Peace at their Quarter Sessions, 13 *Eliz.* 13. §. 1. N. 7.
- Husbandry.** CCXXVII. *Lamb.* 601. The Offences against the new Statute of Tillage, are to be inquired, heard, and determined at the Quarter or General Sessions, 39 *Eliz.* 2. §. 9. N. 1.
- Poor.** CCXXVIII. 601. 602. If the Parish and Hundred be not able to relieve the Poor of the Parish therein, then the Justices of Peace, or the greater Number of them, may at their General Quarter Sessions rate any other Parishes &c. thereunto, and they may there by Agreement, with any Lord of Wast, or Common, set up Habitations there for the Poor, and place Inmates in the same, and they also may at such Sessions, Assess the Parents, or Children being of sufficient Ability, to relieve their Poor and Impotent Children and Parents, 39 *Eliz.* 3. §. 1. N. 11.
- CCXXIX. *Lamb.* 602. The Parties grieved by any Act done upon 43 *Eliz.* 2. §. 6. N. 1. are to be relieved by the Justices of Peace at their General Quarter Sessions, and the Father, Grand-Father, Mother, Grand-Mother and Child of the Poor, being of a sufficient Ability may there be Taxed towards the relief of the said Poor.
- CCXXX. *Lamb.* 602. The Justices of Peace, or the major Part of them, may at any Quarter Sessions, give order for the Erection of Houses of Correction, and for Stocks of Mony, and all other things necessary for the same or for the Government thereof, and they may Banish, or Condemn to the Gallies, such Rogues as shall appear to be dangerous, 39 *Eliz.* 4. §. 1. N. 2. and may Brand them in the Left Shoulder with a hot burning Iron, with a Great Roman R. thereon, 1 *Jac.* 7. §. 5. N. 1.
- Drapery.** CCXXXI. *Lamb.* 602. The deceitful Users of Logwood for Dying, are to be Tryed and Judged to Fine and Pillory, at the Quarter Sessions, 39 *Eliz.* 11. §. 2. N. 4.
- Corn.** CCXXXII. *Lamb.* 602. The Justices of the Peace, or the major Part of them, may by their discretions in their Open Quarter Sessions restrain the converting of Barly into Mault, 39 *Eliz.* 16. §. 1. N. 1.

CCXXXIII. *Lamb.* 603. They also in their Open Quarter Sessions may <sup>Wayes.</sup> convict such as Carry not, or pay not towards the amendment of the High-ways in the Weild of *Kent*, *Surry*, or *Sussex*, as this Statute doth appoint, 39 *Eliz.* 19 §. 4. N. 4. and the presentment of such Defaults, ought to be made by the Surveyors of High-ways at the next Quarter Sessions after such default.

CCXXXIV. *Lamb.* 603. Licence may be given in the Quarter Sessions <sup>Licence.</sup> to shoot Hayle-shot in a hand Gun for Hawks meat only, the Party licenced becoming bound in Recognizance of xx l. to shoot but only according to this Statute 1 *Jac.* 27. §. 7. N. 1.

CCXXXV. *Lamb.* 603. The Offences against the Statute of deceitful <sup>Drapery.</sup> stretching and tentoring of *Northern* Cloths, are inquirable and determinable before the Justices of the Peace at their Quarter Sessions, and those Defaults are to be presented by the Overseers at the next Quarter Session after such default made, 39 *Eliz.* 20. §. 10. N. 1.

CCXXXVI. *Lamb.* 603. The Assignment and Revocation of Pensions <sup>Poor.</sup> for disabled Soldiers and Mariners, must be made by the major Part of the Justices of Peace at the Quarter Sessions, and they may there set Fine upon the Treasurer, that shall willingly refuse to pay any of the same Pensions, 43 *Eliz.* 3. §. 3. 1.

CCXXXVII. *Lamb.* 603. The Assignment of such as shall keep any Ta- <sup>Wine.</sup> vern to utter Wine, by 7 *Ed.* 6. 5. §. 3. N. 6. ought to be made at the General Sessions, but is otherwise used by Special Grant.

CCXXXVIII. *Lamb.* 604. A Beggars Child may at the General Sessi- <sup>Apprentice.</sup> ons be bound to serve any Subject of this Realm, being of honest Calling, 14 *Eliz.* 5. §. 22. N. 1. & 18 *Eliz.* 3 §. N.

CCXXXIX. *Lamb.* 604. The Dockets of Purveyors ought to be delive- <sup>Purveyours.</sup> red over to the Justices of the Peace, at the next General Sessions, 2 & 3. *Ph. & Mar.* 6. §. 6 N. 1.

CCXL. *Lamb.* 604. A Decree may be made at the Quarter Sessions, <sup>Poor.</sup> for the continuance of a Cottage that hath not four Acres of Ground, and there may the Justices inquire, hear and determine, of Cottages and Inmates, 31 *Eliz.* 7. §. 4. N. 1.

CCXLI. *Lamb.* 604. The Conviction of a Clothier, or other upon his <sup>Drapery.</sup> own Confession or Proof, by two lawful Witnesses, for not paying so great Wages to their Shearers &c. as shall be set down according to the true meaning of this Act, may be before the Justices of Peace in their Quarter Sessions, and the Forfeiture of ten Shillings by this Statute given to the Party grieved, may be levied by distress and sale of the Offenders Goods, by Warrant from the said Justices, 1 *Jac.* 6. §. N.

CCXLII. *Lamb.* 604. 605. All Offences against any Statute, for not <sup>Games.</sup> using any lawful Game, or using any unlawful Games, or for not having Bows and Arrows according to the Law, or for using any Art or Mystery in which the Party hath not been brought up according to the Statute thereof, shall be Sued or otherwise inquired of, heard, and determined in the Quarter Sessions of the Peace, or Assizes of the Shire, where they shall be committed, or in the Leet within the which they shall happen, 31 *Eliz.* 5. §. 7. N. 5.

CCXLIII. *Lamb.* 605. The Act of rebellious Assemblies, or the effect <sup>Riot.</sup> thereof ought to be openly read at every Quarter Sessions, 1 *Mar.* 1. St. 2 cap. 12. §. 16. N. 1. *Crumpt.* 123. b. §. 15. & 124 b.

CCXLIV. *Lamb.* 605. The Justices of Peace have Power in their Open <sup>Sheriffs.</sup> Sessions, to inquire, hear and determine, the defaults of under-Sheriffs, Clerks of Sheriffs, or under-Sheriffs, and of Bailies &c. in not taking the Oaths appointed by the Statute 27 *Eliz.* 12. §. 6. N. 1.

- Pope. CCXLV. *Lamb.* 605. The Abjuration of a Seditious Sectary, ought to be made in the Open Quarter Sessions of the Peace, and there to be entred of Record, and the Place certain and Name of a Popish Recusant limited by this Statute unto a place ought to be certified by the Minister and Constable, that took and entred it to the next Quarter Sessions of the Peace, and there be entred of Record in the Rolls of the Sessions by the Clerk of the Peace, 35 *Eliz.* 1. §. 2. N. 1.
- Pope. CCXLVI. *Lamb.* 605. The Penalties forfeited by a conformed Recusant, for not receiving the Sacrament according to this Statute, may be Recovered before the Justices of Peace at their Quarter Sessions, 3 *Jac.* 4. §. 7. N. 1.
- Pope. CCXLVII. *Lamb.* 605. 606. The Monthly absence from Church of Popish Recusants, and their Childrens Names of 1x. years old and upwards, abiding with them, and their Servants Names ought by the Church-Wardens and Constables to be yearly presented at the Quarter Sessions, and by the Clerk of the Peace, or Town Clerk, Recorded in the said Sessions, 3 *Jac.* 4. §. 4. N. 2.
- Oath. CCXLVIII. *Lamb.* 606. The Oath appointed by this Statute, may be required in the Quarter Sessions, of such Person as was formerly Convicted for refusing the same: and such Person or any other whatsoever refusing the said Oath being tendred in the said Sessions, shall Incur the danger of Premunire, except Women Covert; who shall only be Committed by the Justices of Peace in their Quarter Sessions, to the Common Goal without Bail or Mainprise, till they will take the said Oath, 3 *Jac.* 4. §. 14. N. 2.
- Pope. CCXLIX. *Lamb.* 607. If a Crucifix or other Relick of any price be found in a Recusants Lodging or Custody, upon search to be made according to this Act, the same to be defaced at the General or Quarter Sessions, and so defaced, to be restored to the Owner, 3 *Jac.* 5. §. 26. N. 3.
- Pope. CCL. *Lamb.* 607. By Warrant of Four Justices of Peace at their General or Quarter Sessions, Recusants Armor, Gun-powder, and Munition shall be taken from them, other then necessary Weapons to be allowed them by the said Justices for their Defence, and shall be maintained at the Costs of such Recusants in such places, as the said Justices at their said Sessions shall appoint, &c. 3 *Jac.* 5. §. 27. N. 1.
- Commission. CCLI. *Lamb.* 607. Enquire of others, whether the Proclamation (set forth 4 *H.* 7. 12. §. 1. N. 4.) be not yet to be read at every Quarter Sessions, for some do think that it was to endure for the time of that King only, *infra*, 269.
- Sessions. CCLII. *Lamb.* 608, 609. Some men be of opinion, that these Statutes which be Enquirable by expresse words at the Quarter Sessions only, may nevertheless be Enquired of at the Special Sessions also, and their opinion seemeth to be backt by some words of the reformed Commission of the Peace, §. 7. where power is given to two Justices of the Peace, one being of the *Quorum*, to enquire, hear and determine of all Offences, of which Justices of Peace lawfully may or ought to Inquire; nevertheless, as the Commission §. 7. there speaketh only of Inquiry, hearing, and determining, and not of other Acts; so have I hitherto doubted, whether that be true in all Cases or not: for as the Justices of Peace have none other Warrant to Inquire of these matters; but only by those Statutes which do appoint the Inquiry to be made at the Quarter Sessions, so they ought to pursue that Warrant if they will have any Care that their doings may be warranted: and I think it to be no great doubt, but that as the Statutes do many times give degrees of Power, so also the same Statutes may restrain the Authority of Enquiry to some certain Sessions, and specially to the Quarter Sessions, in respect that they be both more open, more commonly known before hand, and



and better furnished with Justices, and consequently the matter for Administering of Justice, specially in Affairs of the weightier sort, *Crumpt.* 125.

CCLIII. *Lamb.* 609. The prices of Vessels for Soap, Ale and Beer, shall be set and proclaimed by the Justices of Peace at their Quarter Sessions after *Easter*, 8 *Eliz.* 9. §. 5. N. 1. Measures.

CCLIV. *Lamb.* 609. The Wages of Laborers and Servants, are to be Rated by the Justices of Peace at the *Easter* Quarter Sessions, or within Six Weeks after *Easter*, where those Sessions be usually holden in one place of the Shire by all the Justices together; but where they are not so usually holden but in several places for several Divisions, there the Justices of Peace or the more part of them resident within such Division, shall at the same Quarter Sessions or at the time of the *Easter* Sessions as is aforesaid, Rate and Ingress in Parchment under their Hands and Seals the Wages for Labourers, &c. within that Division, and the Sheriff shall proclaim the same in places convenient therefore, 5 *Eliz.* 4 §. 15. N. 1. & 39 *Eliz.* 12. §. N. & 1 *Jac.* 6. §. N. Apprentices.

CCLV. *Lamb.* 609. And they must yearly in the same Sessions Examine the performance, or not performance of so much of the Statute made for the Poor, 14 *Eliz.* 5. §. 23. N. 3. as is not altered by 43 *Eliz.* 2. Poor.

CCLVI. *Lamb.* 609, 610. The Account of the Treasurers for disabled Souldiers or Marriners, is to be made yearly at the Quarter Sessions after *Easter*, or within ten dayes after, 43 *Eliz.* 3. §. 3. N. 1.

CCLVII. *Lamb.* 610. At the Quarter Sessions to be holden after *Michaelmas*, the Justices of Peace are to appoint Searchers for Brasses and Pewter, 19 *H.* 7. 6. §. 1. N. 15. & 4 *H.* 8. 7. §. 6. N. 2. Mettle.

CCLVIII. *Lamb.* 610. And at the General Sessions after *Michaelmas*, two Justices of the Peace ought to be appointed by the *Custos Rotulorum*, or in his Absence by the eldest of the Quorum, for the oversight and Controlement of the Sheriffs Books, 11 *H.* 7. 15. §. N. Sheriffs.

CCLIX. *Lamb.* 610. In the number of particular Statutes concerning the Quarter Sessions, these may have place. Ways.

26 *H.* 8. 5. §. N. For passage over *Severn*.

23 *Eliz.* 12. §. N. For paving without *Algate*.

3 *Jac.* 19. Of Highwayes from *Non-such* to *Talworth*.

3 *Jac.* 20. §. N. For passage by water to *Oxford*.

3 *Jac.* 22. §. N. For paving *Drury Lane* and *St. Giles's*.

3 *Jac.* 23. §. N. For making up *Chepstow* Bridge.

3 *Jac.* 24. §. N. For *Upton* Bridge on the *Severn*.

33 *H.* 6. 7. §. N. For Attornies in *Norfolk*.

32 *H.* 8. 43. §. N. For Sessions in *Cheshire*.

2 & 3 *Ph. & Mar.* 13 §. N. Of Wools in *Halifax*.

27 *Eliz.* 24. §. N. For the Sea banks in *Norfolk*, *Crumpt.* 125.

CCLX. *Lamb.* 611. The special Sessions of the Peace do vary from the General in this Chiefly, that they be holden at other times when it shall please the Justices themselves or any two of them, the one being of the Quorum to appoint them, and this power they have not only by the Commission, §. 17. but also by the Statute 2 *H.* 5. 4. §. 2. N. 2. which alloweth them to do it more often then the four times if need do so require. 2. They be also for the most part Summoned for some Special business, and not directed to the General service of the Commission, and yet there is no doubt but that all the Articles within the Commission of the Peace, are both Inquirable and Determinable at any special Session of the Peace, Mr. *Fitz-herbert*, 19. *Lamb.* 584. *suprà* 190. useth a third difference between the General and Special Sessions of the Peace, affirming, that whereas at the General Sessions

sions the Justices of the Peace ought of Duty to give in Charge all matters within the Commission or Statutes, that are to be determined before them; yet nevertheless at the Special Sessions they are at liberty to give in Charge either all or any of them as it shall seem good unto themselves.

Sessions.

CCLXI. *Lamb.* 612. I will not gain-say, but that the Justices of Peace may at any Special Sessions of the Peace give in Charge all such Statutes, as do give unto them a general Power of Inquiry (without using mention of restraint to any Sessions) as doth 25 *H.* 8. 13. §. N. of Sheep, yea I will grant that they may also at their Special Sessions of the Peace give in charge to Enquire upon all such other Statutes as do use the word Sessions Indifferently, without adding General or Special, of which sort there are a great many as 5 & 6 *E.* 6. 4. §. N. of Fighting in Church or Church-yard, 14 *H.* 8. 11. §. N. and 19 *H.* 7. 11. §. N. of Hunting 5 *Eliz.* 13. §. N. of Linnen Cloth, 2 & 3 *Ph. & Mar.* 7. §. N. of Fairs and Markets, 5 *H.* 4. 3. §. N. of Sea watch, and 7 *Ed.* 6. 5. §. N. of Wines and sundry others, but whether they may there also Inquire of such other Statutes as do only assign the Inquiry to be made at the Quarter Sessions, you have heard my mind and read my reasons, *Crumpt.* 125.

Sessions.

CCLXII. *Lamb.* 612, 613. however it be, there might be great use of the Special Sessions of the Peace if they were now and then holden between the Quarter Sessions to deliver the Goals of unruly Servants, Petty Thieves, and some others, &c. Peradventure some will say, that by this means we shall draw upon us again the same Inconveniencies of troubling the County that happened by the Six Weeks Sessions, which were therefore abrogated by 37 *H.* 8. 7. §. N. but that is not to be feared, for whereas those Sessions were to be holden in every limit of the Shire, these may be kept only in the Towns where the Goal standeth, the which sithence it is commonly populous shall be easily able to furnish this Service, without calling any other remote part of the County unto it, *Crumpt.* 123. §. 18.

Process.

CCLXIII. *Lamb.* 614. the form of the Precept for a Special Sessions, &c. *Kanc. ff. M. F. Miles I. B. & H. F. Armig. Justiciarii inter alios Domini Regis nunc ad pacem in Com. Kanc. Conservand' Assignat' nec non ad diversas felonias, &c. Vicecom' Comitatus predicti salutem. Ex parte dicti Domini Regis tibi precipimus firmiter injungentes quod non omittas propter aliquam libertat' infra hundredum de O. P. & Q. aut eorum aliquod in Com. predicto quin venire facias coram nobis apud R. infra hundredum de O. predict' Decim' Die Aug. proxim' futur' xxiv. probos & legales homines de eisdem hundredis ad Inquirendum tunc ibi pro dicto Domino Rege tam super quibusdam Articulis in Statuto in Parlamento nuper Reg' Eliz. Anno Regni sui Quinto tent' Edit, Artifices, laboratores, servientes & apprenticios concernent' Quam super Articulis Quibusdam in Statuto in Parlamento dict' nuper Reg' Anno Regni sui xxxix. tent' Edit' Rogos, Vagabundos, validos mendicantes & alios pauperes tangentibus; proclamari etiam facias in Idoneis locis per Hundred' predicta quod omnes qui versus predictos Artifices, laboratores, servientes, apprenticios rogos, vagabundos, validos mendicantes & alios pauperes seu eorum aliquos Conqueri voluerint, sint tunc ibidem coram nobis ad prosequendum versus eos parati & sis ibi vel vicecomes tuus habens nomina Juratorum predictorum & hoc nostrum breve, testibus nobis prefat' M. F. J. B. & H. F. apud J. in Com' predict' ultimo Die Martii Anno regni, &c. *Lamb.* 376. A precept for the General Sessions.*

Indictment.

CCLXIV. *Lamb.* 618. It seemeth by the opinion of some Justices, 2 *Rich.* 3. 10. Judges *Br.* 33. That if a Justice of the Peace do any thing of Record Ignorantly, and for want of knowledge, that he shall not be punished for it.

Records.

CCLXV. *Lamb.* 618, 619. On the other side, if a Justice of the Peace will craftily Imbezil an Indictment, or wilfully Raze any part thereof, or maliciously Enrol or File that for an Indictment, which was never found by the

the Jury, then (by the resolution of all the Justices Assembled before the King in the Star-Chamber, 2 R. 3. 10.) a Commission may go out to Enquire by the Oaths of Twelve Men of such his Misdemeanor, and if he be Convicted thereof, he deserves to lose his Office, and to make Fine to the King, &c.

CCLXVI. *Lamb.* 619. And even so may he be punished, (as the Book leadeth me to think) if he alter an Indictment of Trespass into an Indictment of Felony, howsoever the opinion 27 Ass. 18. presentment, *Br.* 23. be found against it. Amendment.

CCLXVII. *Lamb.* 619. A Justice of Peace may also be Indicted of the unlawful taking of Money for doing his Office, or of such other falsity, *F. N. B.* 243. *E.* and if he cause a man to be Indicted at the Sessions, by former Conspiracy or Indirect practice, he is punishable for it as a private man, 21 *Ed.* 4. 67. Fees.

CCLXVIII. *Lamb.* 619. But if in the handling of a Cause at the open Sessions, it happen him to speak against an Offender somewhat excessively, yet he shall not be punished for it. Slander.

CCLXIX. *Lamb.* 620. And if the Proclamation Annexed to 4 *H.* 7. 12. §. 1. N. 5. ought now to be read, then if it be not read at each Quarter Sessions, every Justice of the Peace there present, shall lose xx s. *Crumpt.* 122. *b.* §. 4. *suprà* 251. Maintenance.

CCLXX. *Lamb.* 621. And the Justices of Assize, may enquire of, hear, and determine the Offences of any Justices of the Peace in not doing their Duties, for Execution of the Statute made against the deceitful stretching of Northern Clothes, 39 *Eliz.* 20. §. N. Drapery.

CCLXXI. *Crumpt.* 122. *b.* §. 2. The King by his Writ of *Superfedeas* may command the Sheriff or the Justices, that they shall not keep their Sessions as appointed by the two Justices at the day and place, and this shall be a discharge of the Precept made by the Justices to keep the said Sessions, *Fitz-herbert.* 1p. 10. Superfedeas.

CCLXXII. *Crumpt.* 122. *b.* §. 123. *a.* §. 7. It is enacted 5 & 6 *Ed.* 6. by a Statute not Printed, that the Quarter Sessions in the County of *Anglesey* in *Wales*, shall be alwayes forever holden at *Blau-morris* only. and not elsewhere within the County of *Anglesey*, except by reason of the Plague or such Contagious Sicknes, and notwithstanding this Statute a Sessions of the Peace was held at *Newburgh* in the same County, without any special occasion, and by all the Justices, &c. held void & *coram non iudice* by reason of the negative prohib. *Dyer.* 135. pl. Wales.

CCLXXIII. *Crumpt.* 123. §. 8. If a man be bound to appear before the Justices of Peace within xl dayes next after the Bond, and before the end of xl dayes a General Sessions is held, he must appear before them at the same Sessions, though it be not so exprest, &c. Condition, *Br.* 208. *Dalt.* 172. *Cap.* 70. Recognizance.

CCLXXIV. *Crumpt.* 123. §. 9. If a Justice of Peace upon a pain of xl Commands one by precept to be at the next Sessions, and he doth not appear, no *scire facias* shall Issue no more then on a *Subpenæ*; but it seemeth he shall be Attacht at the next Sessions for a Contempt, *Dalt.* 33. 17. *Cap.* 117. Process.

CCLXXV. *Crumpt.* 123. §. 11. The Statutes of Purveyors made, 36 *Purveyors.* *Ed.* 3. 2, 3, 4. shall be proclaimed by the Justices of Peace Annually.

CCLXXVI. *Crumpt.* 113. *b.* §. 13. The Statutes of Victualers shall be Proclaimed twice, Annually in the Sessions of the Justices, 22 *H.* 6. 13. §. N. Victualers.

CCLXXVII. *Crumpt.* 223. *b.* §. 14. The Statute 33 *H.* 8. 9. §. N. of Archery, shall be proclaimed at several Sessions of the Peace. Games.

CCLXXVIII.



- Forces.** CCLXXVIII. *Crompt.* 123. *b.* § 19. It seemeth that when the Justices shall enquire upon, 8 *H.* 6. 9. §. N. that they may make a Warrant to the Sheriff to return Pannels, to enquire for the King of such things that shall be enjoined them of the Kings part, without saying, to enquire of forcible Entries or of any Riot, because 2 *H.* 5. 4. §. N. is that they may hold their Sessions four times by the Year, and more often if need be.
- Sessions.** CCLXXIX. *Crompt.* 124 § 21. The Justices of the Peace of the County of *Middlesex*, are not bound to keep their Sessions Four times a year (the Court of *B. R.* sitting in that County,) but they must keep their Sessions twice a year at least, and oftner if need be, to enquire of Riots or forcible Entry made in the same County on pain and forfeiture, &c. 14 *H.* 6. 4. §. N.
- Ryot.** CCLXXX. *Crompt.* 124. § 22. The Justices for enquiry of Riot, &c. must hold Sessions within a month after the Riot, &c. Commit by 13 *H.* 4. 7. §. N. on pain of *Cl.* to every of the Justices of the Peace that are next abiding in the County to the place where the Riot is Committed.
- Force.** CCLXXXI. *Crompt.* 124. § 23. on 8 *H.* 6. 9. §. N. of forcible Entries, the Sessions must be held upon Complaint of the Party grieved within convenient time.
- Apprentice.** CCLXXXII. *Crompt.* 124. § 24. They may hold Sessions Annual<sup>ly</sup> between *Michaelmas* and *Christmas*, and between the *Annunciation* and *St. John Baptist*, to enquire of the Branches of the Statute of Laborers, and of the good Execution thereof, and punish the Offendors, 5 *Eliz.* 4. §. N.
- Measures.** CCLXXXIII. *Crompt.* 124. § 25. The Justices of Peace may enquire, hear, and determine of falsifiers and Counterfeiters of false Weights, as often as they shall think fit, 9 *H.* 5. 8.
- Fowl.** CCLXXXIV. *Crompt.* 124. *b.* *Item.* At the General Sessions they may enquire of those that take Pheasants or Partridges, or hunt in others Cotes, 23 *Eliz.* 10. §. N. & 11 *H.* 7. 17. §. N.
- Leather.** CCLXXXV. *Crompt.* 124. *b.* *Item.* They may enquire of those that offend against the Statute of *Tanners* 5 *Eliz.* 8. §. N.
- CCLXXXVI. *Crompt.* 125. The Justices at their Sessions or within the limits of their Commission, not said General or Special may enquire on 5 *Eliz.* 5. §. N. of Fish, on 25 *H.* 8. 11. §. N. of destroying Wild Fowls, Eggs in the Nest, and on 37 *H.* 8. 9. §. N. & 13 *Eliz.* 8. of Usury of Escheators, that form their Offices or make a Deputy, 12 *Ed.* 4. 9. §. N. & 3 *H.* 8. 8. §. N.
- Coron.** CCLXXXVII. *Crompt.* 125. *b.* *Item.* Sessions shall enquire of defaults of Coroners, 1 *H.* 8. 7. §. N. of keeping above number of Sheep, 25 *H.* 8. 13. §. N. of Souldiers imbezelling Arms, 2 & 3 *Ed.* 6. 2. §. N.
- Rejoynder.** CCLXXXVIII. *Dalt.* 24. *Cap.* 6. Where a Statute appointeth a thing to be done by two Justices of the Peace, or more if the Offence be any misdemeanor or matter against the Peace, thereupon complaint made of the Offence to any one Justice of the Peace, it seemeth that one Justice may grant out his Warrant to attach the Offendor, and to bring him before the same Justice or any other to find Sureties for his Appearance at the next General Sessions, there to make answer to such his Offence, or else he may bind the Offendor to the good Behaviour, and so to appear at the next Sessions if the said Justices shall see any just cause so to do; but Justices of Peace alone may not in any wise meddle to hear and determine the same.
- Tryals.** CCLXXXIX. Two Justice, 568. And likewise Justices of Goal Delivery, or Justices of Peace, may Try the Prisoner the same day or any day after; but need not make any particular precept (as Commissioners of *Oyer* and *Terminer* must) for the Justices of Goal Delivery and Justices of the Peace, make a General Precept in Parchment, under their Seals, for

for the Summons of their Sessions, and for returns of Juries, &c. and therefore any particular Precept is not requisite, 1 Cr. 315. Fens, Ca. Lamb. 543. Process, 25. N. 2.

CCLXXXI. Dalt. Edit. 1666. Cap. 46. pag. 125. The Justices opinion Justices. touching the Commission by which the Justices sit at Newgate.

The Justices at Newgate sit by vertue of Two Commissions, viz. Goal Delivery, and Oyer and Terminer.

2. By the Commission of Goal Delivery, they may Try all Prisoners in the Goal, or by Bail, or such as be Indicted and will render themselves, generally for all Felonies; and also for such other Offences as are particularly assigned to them by Statute.

3. The Statute 4 Ed. 3. 2. § 1. N. 7. doth give them power to receive Indictments against Prisoners, or such as are upon Bail, and to proceed to Try the same, viz. Indictments taken before the Justices of the Peace, and by Equity thereof, all Indictments before Coroners.

3 Mar. 1. Commission, &c. Br. 24. saith the Commission is *ad deliberand' Goal. de Prisonariis in eisdem existent'*; but they cannot take Indictments as Justices of Goal Delivery, but being Justices of Peace they may take Indictments against Prisoners; but not against them that be at large, for as much as no power is given them, and consequently they must have means so to do, which is by Indictment *ad Inquirend'*.

4. However it is clear, that they may inquire of many Offences, and take Indictments in such Cases where power by the Statute is given to the Justices of Goal Delivery, in such Cases where they have Authority by Law or Statute, there the title of the Indictment is, that *ad Gaolam deliberand' tent'*, &c. before the Commissioners of Goal Delivery, J. S. was Indicted and the Record must be made up so.

5. And whereby 4 Ed. 3. 2. § 1. N. 4. Indictments are taken before Justices of Peace or Coroners, or any other against any Prisoner, then the Entry of the Indictment is returned taken. *Memorand' quod ad Generalem Sessionem pacis tent'* before A. B. C. Justices *ad pacem in Com' Middlesex* or *London*. J. S. was Indicted and then Tryed before the Justices of Goal Delivery.

And by vertue of the said Statute 4 Ed. 3. 2. § 1. N. 7. Indictments taken before Justices of the Peace of *London* or *Middlesex*, are tryed before the Justices of Goal Delivery.

6. The Commissions of Oyer and Terminer, is *ad Triand' Inquirend' Audiend' & Terminand'*, they may inquire of all Offences mentioned in the Commission, albeit the Offenders be at large; but they cannot Try Prisoners upon Indictments taken before any other then themselves, as the Justices of Goal Delivery may by the aforesaid Statute, 4 Ed. 3. 2. § 1. N. 1. unless there be a special Commission made, as it was Commanded in the Earl of *Leicester's* Case; for the ordinary Commission Br. 24. of Oyer and Terminer is *ad Inquirend' Audiend' & Terminand'*, therefore they cannot determine of things unless they made enquiry first.

And on the other side, also the Justices of Goal Delivery may try Indictments taken before Justices of Peace; yet if one be Indicted before Commissioners of Oyer and Terminer, the Justices of Goal Delivery cannot Try the same; because the Records of the Commission of Oyer and Terminer are to be returned in B. R. 44 Ed. 3. 31.

7. The Commission and the Records of the proceedings before the Justices of Goal Delivery, are to be returned to the *Custos Rotulorum* of the County: when the same Persons are Justices of Goal Delivery, and of Oyer and Terminer, they may sit the same day and place, and Inquire by the same Jury; but the Entry of the Records must be several according as the Indictment is.

8. At the Assizes in the Country the Justices have their several power as the Justices of Goal Delivery, *Oyer and Terminer*, and Justices of Peace.

But when the Records are made up they must be according to the power they made Election to proceed upon.

This is the regular and legal Course, but the Clerks of the Assizes promiscuously make Entries thereof. But if a Writ of Error be brought they must certify according to Law, or else it will be Erronious, and so upon a *Certiorari*.

9. The Sessions of *London* may be begun at the *Guild-hall*, and then adjourned to *Newgate*; if some Indictments be at *Guild-hall*, then those must be so Certified: if others at *Newgate*, then the Adjournment must be mentioned, and that the Indictment was then taken.

10. Note that the Trial of Indictments taken before Justices of the Peace of *London*, cannot be Tried at *Newgate* as in nature of a Tryal before Justices of the Peace at *London*, for many of the Commissioners for Goal Delivery are not Justices of the Peace for *London*; but in such Cases the Tryal must be before the Justices of Goal Delivery as upon Indictments taken before the Justices of Peace of *London*, as in the Case of Indictments taken before the Justices of the Peace of *Middlesex*.

But if Indictments at *Newgate* be originally taken before them as Justices of Goal Delivery, then it is Inquirable how the Jury sworn and Impannelled to Inquire at the Sessions of the Peace for *London* or *Middlesex* do serve to present Indictments before the Justices of Goal Delivery at *Newgate*, unless the Custome and usage will Warrant the two several Juries sworn at the Sessions of the Peace for *London* or *Middlesex*, are also by the same Oath and Impannelling to serve for the Grand Jury for the Commission of Goal Delivery, and *Oyer and Terminer*.

Upon Conference with the Clerks for *Newgate* of *London* and *Middlesex*, and the Clerks of Assizes, and view of the several Entries, more certain resolution may be given as occasion may be offered in any particular Case.



*Kidders*, see *Cattle*, *Corn*.

*Killing*, see *Coron*.

*King*, see *Prerog*.

*Kings=Bench*, see *Justices Certiorari*.

*Labourers*, see *Apprentice*.

*Lace*, see *Drapery*, and *Merchants*.

*Lader*, see *Corn*.

*Larceny*, see *Coron*.

*Latten*, see *Mettle*.

*Law*, see *Pleading*.

*Leap=year*, see *Days*.

*Lead*, see *Mettle*.

( *Leather.* )

*Tanners*, *Curriers*, *Cordwainers*.

I. *Ambert* 446. Articles of Inquiry at Sessions, if any person have re- Market overt;  
grated, ingrossed, or got into his hands any Oaken Bark, to the in-  
tent to sell the same again, 1 *Jac.* 22. § 19. N. 1. *Lamb.* 432.

II. *Lamb.* 446. Enquiry at Sessions if any person have forestalled any Market overt;  
Hydes, or bought any Hides out of open Market or Fair, unless of such as  
have killed Beasts for their own provision, 1 *Jac.* 22. § 7. N. 3.

III. *Lamb.* 454. Charge at Sessions. If any Butcher have gashed or cut Butchers.  
the Hides of any Ox, Bull, Steer or Cow, whereby it is impaired, or have  
watered any Hide, except in *June*, *July*, and *August*, or have put to Sale any  
putrified or rotten Hide, 1 *Jac.* 22. § 2. N. 1.

IV. *Lamb.* 454, 455. If any during the time that he hath used the Occu- Trades.  
pation of a Butcher, have also used the Mystery of a Tanner, 1 *Jac.* 22. § 4.  
N. 1.

V. *Lamb.* 455. If any person during the time that he hath used the My- Trades.  
stery of a Tanner, have used also the Mystery of a Shoemaker, Currier,  
Butcher, or of any Artificer using the Cutting or Working of Leather, 1 *Jac.*  
22. § 6. N. 1.

VI. *Lamb.* 455. If any person, other then such who had a Tan-house Tanners:  
19 *March* 1606, and did then occupy Tanning of Leather, or hath been  
taught as an Apprentice, or hired Servant seven years in the Mystery of  
Tanning of Leather, or hath been Wife to a Tanner; or Son of a Tanner,  
brought up in that Mystery four years; or Son or Daughter of a Tanner;  
or such person as hath married the Wife or Daughter of a Tanner, that left to  
the same his Tan-house, and Fatts, have Tanned any Leather, or taken any  
profit by Tanning thereof, 1 *Jac.* 22. § 5. N. 1.

VII. *Lamb.* 455. If any person have bought, contracted for, or bespoken Market overt;  
any rough Hide, or Calve-skin in the hair (except Salt Hides for the use  
of Ships) but such persons only as shall have the same, or shall and may by  
this Act Tan the same, or have bought, sold, or bespoken any Tanned Lea-  
ther, not wrought into made Wares (other then necks and shreds of Sadlers,  
and Girdlers) but such persons only as will convert the same into made  
Wares, 1 *Jac.* 22. § 7. N. 1. & § 8. N. 1.

VIII. *Lamb.* 455, 456. If any Tanner have suffered any Hide to lye in Tanners:  
the Limes till the same be over-limed, or have put any Hides into any Tan-  
fatts

fatts before the Lime be perfectly wrought out of them, or have used any thing in Tanning other then Ash-barke, Oak-barke, Tapwort, Mault, Meal, Lime, Culver-dung, or Hen-dung; or have suffered his Leather to be frozen, or to be parched with the Fire, or Sun, or have Tanned any rotten Hides, or have not suffered the Hides for outer Sole-Leather, to lye in the Woozes Twelve Months, and for the Upper-Leather Nine Months, or have negligently wrought the Hides in the Woozes, or have not renewed the Woozes, as oft as was requisite, or have put to Sale any Tanned Hide not wrought according to this Statute, 1 Jac. 22. § 11. N. 1.

Deceit.

IX. *Lamb.* 456. If any Tanner have raised with any mixtures any Hides to be converted to Backs, Bend-Leather, Clouting-Leather, or any other Sole-Leather, except the same be fit and sufficient for that use, 1 Jac. 22. § 13. N. 1.

Market overt.

X. *Lamb.* 456. If any person have put to sale any Tanned Leather, red and unwrought, but in open Fair or Market, in the places therefore prepared, unless it have been first lawfully Searched and Sealed in some open Fair or Market; or have put to Sale any such Leather, before it hath been Searched or Sealed according to this Statute, 1 Jac. 22. § 14. N. 1.

Market overt.

XI. *Lamb.* 456. Inquiry in Sessions, if any Tanner have put to sale any Leather insufficiently, or not thoroughly Tanned, or not well and thoroughly dried, 1 Jac. 22. § 15. N. 1.

Tanners.

XII. *Lamb.* 456, 457. Inquiry in Sessions, If any person have set his Fatts in Tan-hills or other places, where the Woozes or Leather to be Tanned in the same may take any unkind heats, or hath put any Leather into any hot or warm Woozes, or hath Tanned with hot or warm Woozes, 1 Jac. 22. § 17. N. 1.

Woods.

XIII. *Lamb.* 457. If any person have felled any Oaken Trees meet to be Barked, where Bark is worth two shillings a Load above the charges of Barking and Pilling (Timber for building and Reparations excepted) but between the first day of *April*, and the last of *June*, 1 Jac. 22. § 20. N. 1.

Curriers.

XIV. *Lamb.* 457. If any Currier have Curried any Leather but in his own house, situate in a Corporate or Market Town; or have Curried any Leather not well Tanned, or not thoroughly Dried after his wet Season, or have used in his wet Season, any deceitful means to corrupt the same; or have Curried any outer Sole-Leather with any other stuff then hard Tallow, or less of that then the Leather will receive, or Inner-Sole, or Over-Leather with any salt stuff, or have not liquored them thoroughly; or have burned, scalded, or shaven too thin, or not wrought sufficiently any Leather, or have gashed or hurt any Leather by any means, 1 Jac. 22. § 22. N. 1. &c.

Trades.

XV. *Lamb.* 457, 458. If any Currier have, during the time that he hath used Currying, used the feat of a Tanner, Cordwainer, Shoomaker, Butcher, or other Artificer using cutting of Leather, 1 Jac. 22. § 25. N. 1.

Days.

XVI. *Lamb.* 458. Inquiry at Sessions, if any Currier have refused to Curry Leather in Eight days in Summer, and sixteen days in Winter, in all degrees perfectly, any Leather brought by any Cutter of Leather, or his Servant, bringing with him good stuff for the perfect liquoring of the same, 1 Jac. 22. § 26. N. 1.

Shoomakers.

XVII. *Lamb.* 458. Inquiry at Sessions, if any Shoomaker have made any Boots, Shoes, Buskins, Startups, Slippers, or Pantofles, or any part of them of *English* Leather well Curried (other then Deer, Calve or Goat-skins dressed like *Spanish* Leather) but of Leather well Tanned or Curried, and well Tanned only, and well Sewed with Thread well Twisted, Waxed and Refined, with the stitches hard drawn with Hand-leathers, and without mixing Neats and Calves Leather in the Over-leathers thereof. Or have put in to any Shoes, Boots, &c. any Leather made of Sheep-skin, Bull-hide, or Horse-

Horse-hide, or into the Upper-leather of any Shoes, Startups, Slippers or Pantoffles, or into the nether part of Boots ( the inner part of only excepted ) any part of the womb, neck, flank, harle, or cheek of any Hide, or in the Utter Sole, other then the best of the Ox, or Steer Hide, or into the inner Sole, other then the Wombs, Neck, Poll or Cheek, or in the Trefwelts of the double-soled Shoes, other then the flanks of any the said Hides, or have put to Sale in any year between the last of *September*, and the twentieth of *April*, any Shoes, Boots, Buskin, Startups, Slippers or Pantoffles, meet for any person above four years old, wherein hath been any dry *English* Leather, other then Calve or Goat-skins dressed like *Spanish* Leather, or have shewed for Sale any of his Wares upon the *Sunday*, 1 *Jac.* 22. § 28. N. 2.

XVIII. *Lamb.* 459. Enquiry in Sessions, If any Lord of Fair or Market have not appointed two or three honest and skilful men to be Searchers and Sealers of Leather there, and six honest and expert men to try the same Leather, and if such Tryers have done their duty therein; and if any Searcher, or Sealer so appointed have refused with speed to Seal good Leather, or have allowed insufficient Leather, or have received any Bribe, or exacted any undue Fee for execution of his Office, or if any person duly Elected Searcher or Sealer refuse to execute the same Office, 1 *Jac.* 22. § 35. N. 1. Market overt;

XIX. *Lamb.* 459. Inquiry at Sessions, if any person have denied any such Searcher to enter into any house or place to search Tanned Leather, or Wrought Ware, or to seize and carry away that which was insufficient: or have put away any Tanned Leather red and unwrought without Registering the same, and the price thereof, or have bought any Tanned Leather before it was searched and sealed, or have carried it out of any Fair or Market before it was Registered, 1 *Jac.* 22. § 40. N. 1. &c. 41. N. 1. Search;

XX. *Lamb.* 459, 460. If any person, to whom any unlawful Leather or Stuff hath been given by this Act, have given or sold the same to any Person that hath sold the same again, 1 *Jac.* 22. § 47. N. 1. Collusion;

XXI. *Crompt.* 97. b. 124. b. Item, The General Sessions may enquire of those who offend against the Statute 5 *Eliz.* 8. of Tanners, and 1 *Jac.* 22. Justices;

*Lent*, see *Days*, *Fish*, *Religion*.

*Letters*, see *Ways*.

*Letters of Administration*, see *Administrators*, *Executors*.

( *Leet.* )

*Peace*, *Justices*.

I. 1 *Ed.* 4. cap. 2. § 1. N. 4. That the Sheriffs, Under-Sheriffs, Clerks or Bayliffs, and their Ministers, shall bring and present and deliver all such Indictments and Presentments taken before them, or any of them in their Turns or Law-days, to the Justices of the Peace at their next Sessions of the Peace, that shall be holden in the County where such Indictments and Presentments shall be taken before the Justices of such County for the time being, *Lamb.* 426. Sheriffs;

II. *Lamb.* 596. The Statute 1 *Ed.* 4. 2. § 1. N. 4. binds the Sheriff to certify the Justices of Peace at their next Sessions, the Indictments found in his Turn or Law-day. It seemeth also by way of admittance in 27 *H.* 8. 2. Indictment *Br.* 1. that the like ought to be done of Presentments of Felony in any Leet by virtue of the said Statute, but that is further to be enquired of, for I find no better Warrant for it. Justices;

III. *Lamb.*



- Traverse.** III. *Lamb.* 534. *Mombray* 41 *Ed.* 3. 26. Traverse per Br. 2. saith further, That in a Leet such a Presentment of Felony is not Traversable, because out of a Leet no Process can be Awarded upon it.
- Forrest.** IV. 14 & 15 *H.* 8. 10. § 1 *N.* 3. And that, &c. Stewards of Leets shall have full power to enquire of tracing or killing Hares, &c.
- Fees.** V. 1 *Jac.* 5. No Stewards of Leets, &c. to receive the profits to their own use.

*Libels, see Slander.*

*Liberties, see Franchise.*

( *License.* )

- Poor.** I. *Lamb.* 331. Any two Justices may License diseased persons, living of Alms, to Travel without begging to *Bath* or *Buckstone* for remedy of their Grief, *Crumpt.* 198. *al.* 199. *b.* 39 *Eliz.* 4. § 7. *N.* 1. *Dalt.* 100. cap. 40.
- Viſtuals.** II. *Lamb.* 345. He that is Convict before the Justices for abusing a License for Transporting Viſtuals, shall likewise be Committed by them, and shall remain there a whole year without Bail or Mainprise, 1 & 2 *Phil & Mar.* 5.
- Fish.** III. *Lamb.* 430. Inquiry in Sessions if any Parson, Vicar or Curate, have taken above four pence for entering into the Church-Book the License of a sick person to eat flesh upon fish days, 5 *Eliz.* 5. § 21. *N.* 1.
- Cattle.** IV. *Lamb.* 601. The Licenses for Badgers and Drovers, &c. are to be granted in open Sessions, *Crumpt.* 80 *b.* 5 *Eliz.* 12. § 4. *N.* 1.
- Poor.** V. *Dalt.* 127. cap. 47. I do not find that any one or more Justices of the Peace may, or can, in any Case, License any man to beg, or ask relief at all, &c. and therefore Quære of such Briefs and Licenses as lately have come from, or in the name of the Lord Mayor of *London*, licensing poor persons to Travel, and to ask and beg relief in their Travel, &c.
- Apprentice.** VI. *Dalt.* 127. cap. 47. Yet any one Justice of Peace may License Labourers in Hay and Harvest time to pass from one Country to another to work, but not to wander or beg, 5 *Eliz.* 4. § *N.*
- VII. *Lamb.* 330. Any two Justices of Peace may give allowance for urgent and necessary occasions, to remain in an Inn, Viſtualling-house, or Ale-house, 1 *Jac.* 9. § 2. *N.* 5.
- VIII. *Lamb.* 349. Two Justices of Peace, the one being of the Quorum, may prohibit and remove common Ale-selling, and may also allow the same, &c. 5 & 6 *Ed.* 6. 25. § 1. *N.* 2. *Crumpt.* 198, 197. *Dalt.* 21. cap. 6.
- IX. 33 *H.* 8. 6. § 8. *N.* 1. All Patents &c. to License to shoot in Cross-bows and Hand Guns void.
- Games.** X. 33 *H.* 8. 9. § 13. *N.* 1. License of Gaming-house to contain the particular Games, and Persons, &c.
- Poor.** XI. 1 & 2 *Phil. & Mar.* 4. § 6. *N.* 2. License to *Egyptians* to continue in *England*, or *Wales* void.
- Fish.** XII. 5 *Eliz.* 5. § 18. *N.* 1. License to eat flesh on fish days, otherwise then prescribed in this Statute, void. *Crumpt.* 17.
- Drapery.** XIII. 8 *Eliz.* 6. § 5. *N.* 1. License to Transport Cloth, extends not to *Kentish* and *Suffolk*, &c.
- Pope.** XIV. 13 *Eliz.* 3. § *N.* Departing the Realm without, or staying after expiration of License, on notice by Proclamation, forfeits Lands for life &c.

XV. 12 *Car.* 2. 25. §. N. License to retail Wines must be to Trader or Wine-Owner of House.

XVI. 15 *Car.* 2. 11. § 15. N. 1. None to Retail Coffee, &c. without Li- Ale- cense first had in General Sessions.

XVII. 29 *Car.* 2. 7. § 2. N. 1. License of Wherry-Barge, &c. in the Thames on the Lord's-day to be by Justice of the Peace of the County, &c. or head Officer adjoining, &c. Sewers.

XVIII. *Crumpt.* 80. *b.* Note, That 5 & 6 *Ed.* 6. 14. § 16. N. 1. speaks of him that is known for a common Drover, and not of any petty Chapman: And 5 *Eliz.* 12. § 4. N. 1. speaks of common Drovers, and not of any petty Chapman; and it appears that the intent of this Statute is to repress the number of Drovers, Badgers, and Laders, &c. of Corn, &c. Therefore see if the Justices can License petty Chapmen to buy Cattle as common Drovers.

XIX. *Crumpt.* 17. Charge at Sessions, That no Butcher, nor other person, Days, tho he be Licensed, shall kill or dress in Lent to the intent to sell, 1 *Jac.* 29. §. N.

XX. *Crumpt.* 199. *b.* Two Justices of Peace may give License to Fencers, &c. Poor. Pedlers, Tinkers, and petty Chapmen to go, so that they be not taken as Rogues, 14 *Eliz.* 5. §. N. 39 *Eliz.* 4.

Lying in wait, see Coron.

Linnen-Cloth, see Drapery.

Liquors, see Ale.

Liveries, see Maintenance.

Logwood see Drapery.

Long-bows, see Games, and Shooting.

Loiterers, see Poor.

London, see Franchise, Justices.

Lord's-day, see Days, Religion.

Lunatick, see Infant.

Maim, see Affray, Trespass.

Malice, see Coron. Intendment.

Mainprise, see Bail.

( Maintenance. )

Liveries, Embracery, Champerty, Barretors.

I. 19 *H.* 7. 13. § 1. N. 11. Every person duly proved to be a Maintainer or Imbraceor of Jury on Riot, shall forfeit 20 *li.* and be Committed at discretion of the Justices, *Crumpt.* 199. *b.* Forfeiture.

II. *Lamb.* 435. Inquiry in Sessions, if any have by himself, or other for Liveries. him, given any Livery, or Sign, or Company, or Badge, or retained any man, other then his Household-servant, Officer, or Learned man in the Law, 1 *H.* 4. 7. & 7 *H.* 4. 21. & 8 *Ed.* 4. 2.

III. *Crumpt.* 93. *b.* Charge to Jury in Sessions to inquire of Maintainers, Confederators, Conspirators, Imbraceors, and undertakers of Quarrels, Mat- Conspiracy. ters, and other busineses, and of Champertors; and if Maintainers be Convict, they shall forfeit as much as they can, 20 *Ed.* 3. 4. §. N. and the Cham-

Champertor ten times as much as he hath taken, *Fitzherbet* Ip. 118. see Tit. Maintainers, Imbraceors, &c. *Crompt.* 175.

IV. *Crompt.* 174. a. 175. b. The Justices of Peace may hear and determine by Inquiry at the Quarter Sessions, or by Information given to them of Maintainers and Imbraceors, and award Execution of the forfeiture of Money or Imprisonment, or both, according to the Statutes thereof made, whereof they are Convict, 33 H. 8. 10. §. N. & 37 H. 8. 7. §. N.

V. *West Symb.* 2 part 100. b. *Sect.* 89. An Indictment for Maintainance in an Assize, *Lamb. preced.* 14. pl. 37.

*Essex. ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod *I. C. T. C.* ac *I. P.* de *O.* in Com. *E.* predict' *Teomen*, ac alii de confederatione & communia predictorum *I. C. T. C.* & *I. P.* existentes, quoddam placitum Assize Novæ Disseisin quod nuper Summonitum fuit in curia dicti Domini Regis coram dilectis & fidelibus dicti Domini Regis *I. S.* & *I. K.* & aliis nuper Justiciariis ipsius Domini Regis ad Assizam illam capiend' assignat per Breve ipsius Domini Regis inter *W. S. Querent'* & *I. H. Tenent'* de quodam libero Tenement' in *N. & S.* in Com. *E.* predict' videlicet pro medietate inde sibi & hæredibus suis imperpetuum, videlicet pro *C li. Sterling'* in pecunia numerata in hac parte habenda, per conventionem inde inter predict' *N. S.* & præfatos *I. C. T. C.* & *I. P.* X die mensis *Augusti* Anno Regni, &c. apud *O.* predict' in dicto Comitatu factam pro quod' predict' *W. S.* contra præfat' *I. H.* dict' die Anno & loco assumpserunt manutenend' & manutenuerunt in magnum dicti Domini Regis contempt' ac contra form' diversorum Statutorum hujus Regni sui *Angl.* in hujusmodi casu provisorum ac edit.

2. *Ibid. Sect.* 90. An Indictment for Maintainance in an Assize of fresh force, 3 *Ed.* 1. W. 1. cap. 25. infra 11.

*Essex. ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod cum de communi consilio Domini *Edm.* nuper Regis *Angl.* primi progenitor' Domini Regis nunc provisum sit quod nullus minister, vel aliquis alius manuteneat placita, quærelas vel negotia, quæ sunt in curia Domini Regis de Terris, Tenement' Aut aliis rebus quibuscunq; pro parte rei petita vel aliquo proficuo per convent' factum inde habend' nec aliquis jus suum sub hujusmodi conditione alteri dimittat quidam *W. P.* &c. simul cum *R. B.* &c. X die, &c. Anno Regni, &c. Quandam quærellam cujusdem Assize friscæ forcæ quæ est in curia Domini Regis nunc Comitatus *E.* coram *E. B. Major,* & *C. D. Vicecom'* ejusdem Cviitatis sine Brevi ipsius Domini Regis nunc secund' consuet' Comitatus predict' inter quosdam *I. R.* & *T. L.* de uno messuagio cum pertinent' in curia predict' pro parte ejusdem messuagii videlicet, pro medietate messuagii illius sibi & hæredibus suis imperpetuum & alio proficuo, videlicet pro medietate damnorum in quærela Assize predict' recuperand' inde habend' per conventionem inter præfat' *I.* ac predict' *W.* & *R. S.* apud *E.* predict' factum assumpsit manutenend' & manutenuit ad grave damnum ipsius *T. L.* & contra formam provisionis predict' &c.

VI. *West Symb.* 2. part 225. *Sect.* 182. An Indictment for giving a Livery, 7 H. 4. 14. & 8 H. 6. 4. & 8 *Ed.* 4. cap. 2. *Lamb. Precedents,* 16. b. pl. 44.

*Essex. ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod *T. B.* de *C.* in Com' *E.* predict' Armig' X die *Sept.* Anno Regni, &c. apud *C.* predict' in Com' *E.* predict' quasdam liberatas vesturæ, videlicet, cuidam *A. B.* de *C.* predict' in Com' *E.* predict' *Teoman*, tres ulnas panni lanei colorat' Veneti pretii xx s. Et *C. D.* de *B.* in dict' Com' *Teoman*, alias tres



tres ulnas similis panni lanei eorund' coloris & pretii, ad duas seperales tunicas pro p'fat' *A. B. & C. D.* inde faciend' dedit & distribuit ubi revera p'fat' *A. B. & C. D.* aut eorum alter nunquam fuerant aut fuit, domestici Servientes aut Domesticus Serviens, Officiarii, sive Officiarius, Ballivi, sive Ballivus, dicti *T. B.* aut de Consilio ipsius *T. B.* in una lege sive altera Eruditi vel Eruditus in magnum dicti Domini Regis contempt' ac contra form' diversorum Statutorum in hujusmodi casu antehac provis. ac edit.

2. *Ibid. Sect. 183.* An Indictment for receiving and using a Livery, *Lamb. Precedents 16. b. pl. 45.*

Juratores pro Domino Rege super sacramentum suum presentant, quod *Essex ff. A. B. de C. in Com' E. predict' Teoman*, unam liberatam panni, videlicet, tres ulnas panni lanei coloris Veneti *Anglice* vocat' *Watchet* ad valent' xx s. ad tunica inde sibi faciend' de *T. B. de C. predict' in Com' E. predict' Armiger*, apud *C. predict' in dicto Com' E. X die August.* Anno Regni, &c. recepit ac eandem tunicam à dicto *X die*, &c. Anno supradict' usque xx diem mensis *Sept.* Anno supradict' apud *C. predict' in Com' E. predict' & alibi in diversis locis infra Com' predict' usus est ubi idem A. B. dicto tempore receptionis liberat' predict' aut unquam postea non fuit familiaris, Officiarius, Ballivus, aut de Consilio dicti T. B. in una lege aut altera Eruditus in magnum dicti domini Regis contempt' ac contra form' diversorum Statutorum in hujusmodi casu antehac provis. & edit.*

3. *Ibid. Sect. 184.* An Indictment for giving, receiving and using of Liveries, contrary to 7 *H. 4. cap. 14* & 8 *H. 6. cap. 4. Crumpt. 262. pl. 96.*

Juratores super sacramentum suum dicunt, quod cum in Statut' Domini *Henrici* nuper Regis *Anglie* Quarti, Anno Regni sui VII, ac in Statut' in Parliament' Domini *Henrici* VI. bonæ memoriæ, Anno Regni sui VIII, apud *W. in Com' M. tent' & edit' inter cetera continetur*, quod non liceat alicui cujuscunq; Status, Gradus seu conditionis fuerit, dare aliquam liberatam Vesturæ, vel capic' alicui personæ, nisi tantummodo familiaribus, Officiariis, Ballivis & Servientibus suis, ac aliis hominibus de Consilio suo in una lege seu altera Eruditi, sub pœna *C. S. de Terris & Teneament' bonis*, & catallis hujusmodi liberat' dantes 54 s. de Terris & Teneament' bonis & catallis hujusmodi liberat' recipient' sive utent' toties quoties aliqua liberat' in contrarium Stat' pred' dat' seu accept' fuerit levand'.

Quidam tamen *R. B. de C. in Com' E. predict' Statutum predict'* minimè ponderans, quasdam liberat' Vestur' videlicet diversas togas coloris *Frost-Meadow* quibusdam *I. de B. Teoman*, &c. *S. C. de eodem Teoman*, qui nec sunt nec unquam fuerant Servient' Officiar' Ballivi seu familiarum ipsius *R. B.* nec in lege una seu altera aliququaliter Erudit' aut instruct' *X die*, &c. Anno Regni, &c. Apud, &c. dedit & distribuit, & predict' *I. & S. easdem togas continue*, à predict' *X die* Anno, & loco supradict' contra form' Statut' predict' receperunt, & eisdem togis continuè à predict' *X die*, &c. usque, &c. Apud *E. F. & S. in Com' E. predict' usi fuerunt in contempt' dicti Domini Regis, legisq; suæ dedecus manifest'* ac contra form' Statut' predict'.

*West Symb. 2. Part 149. b. Sect. 323.* An Indictment of Maintenance in a *formedon in disceudre* contra, 20 *Edw. 3. cap. 4.* & 13 *Edw. 1. W. 2. cap. 49.*

Inquiratur pro Domino Rege quod cum in Statuto in Parliament' apud *Essex ff. Westm. in Com' Middlesex* nuper edit' inter cetera continetur, quod nulla persona de Regno Domini Regis *Anglia* cujuscunq; status, gradus seu condition'

condition' fuerit, aliquam quærelam in aliqua curia, nec alibi manuteneat, nec sustineat super penam imprisonament' & faciend' Domino Regi finem & redemptionem, ad voluntatem ipsius Domini Regis prout &c.

Quidem tamen *P. M. de P. in Com' E. predict' Ycoman*, Statut' predict' minimè Ponderans quandam querelam cujusdam loquelæ quæ *A. in curia Domini Regis* nunc coram Justiciariis dicti Domini Regis, de communi Banco apud *Westm.* predict' per Breve ipsius Domini Regis de forma donationis en discendre inter *R. G. Querent' & N. A. Tenent'* de *V Acris Terræ*, &c. cum pertinentiis in *C. pro parte ipsius N. tenend'* II. die *Apr'* Anno, &c. apud *N. in Com'* predict' manutenuit, & sustentavit, & adhuc sustentat in dicti Domini Regis nunc contempt', ac contra form' Stat' & contra pacem dicti Domini Regis.

VIII. *West. Symb. 2. part 157. sect. 351.* An Indictment for Maintainance in *C. B.* upon 20 *Ed. 3.* cap. 4.

*Essex ff.*

Juratores pro Domino Rege super sacramentum suum presentant quod cum in Statut' in Parliament' Domini *Edw.* nuper Regis *Angl'* Tertii, apud *Westm.* in Com' *Middlesex*, Anno Regni sui XX tent' edit' inter cetera continetur quod nulla persona Regni *Angl'* cujuscunq; status, gradus seu conditionis fuerit, aliquam quærelam in Patria, nec in curia Domini Regis manuteneat seu sustineat, sub pena Imprisonament', & faciend' dicto Domino Regi finem, & redemptionem ad voluntatem dicti Domini Regis quilibet juxta statum, gradum & demerita sua, prout in eodem Statut' plenius apparet.

Quidam tamen *T. D.* nuper de &c. Statut' predict' aut penam in eodem content' minimè ponderans die & Anno, &c. quandam quærelam loquelæ quæ est in curia dicti Domini Regis ad placita per Billam inter quendam *M. C.* viduam, & *I. F.* sub Vicecom' & *T. P.* Vicecom' *Middlesex*, ad quandam transgressionem eidem *M. E.* prefat' *I.* illat' ut dicitur pro parte predict' *M.* in curia dicti Domini Regis manutenuit & sustentavit, & adhuc manutenet & sustentat, in dicti Domini Regis nunc contempt', & populi sui grave Damnum, ac contra form' Statut' & ordinat' predict'.

IX. *West. Symb. 2. part 113. sect. 137.* An Indictment for Maintenance in debt on 32 *H. 8.* cap. 9. *Crumpt. 264. b. pl. 102.*

*Essex ff.*

Juratores pro Domino Rege super sacramentum suum presentant, quod cum in Statuto in Parliament' Domini *Henrici* nuper Regis *Angl'* VIII. apud *Westm.* in Com' *Middlesex*, 28 die *April*, Anno Regni sui 31 Inchoat', Tent', & ibidem per diversas Prorogationes usque 25 diem *Maii*, Anno Regni sui 32 Prorogat' & continuat' & tunc, & ibidem tent'

Per dictum Dom' Regem cum assensu Dominorum Spiritualium & Temporalium, ac Communitatis in eodem Parliament' Congregat' nec non Autoritate ejusdem Parliament' inter alia ad tunc & ibidem inactitat' existit, quod nulla persona sive personæ cujuscunq; status, gradus seu conditionis, ipse, vel ipsi, fuerit, vel fuerint, ex tunc de cetero illicitè manuteneret, sive manutenerent, aut causaret sive causarent, procuraret sive procurarent, aliquam illicitam manutentionem in aliqua actione, demanda, secta sive quærela, in aliqua curia Domini Regis, Cancellariæ, Cameræ Stellatæ Albæ Aulæ, aut alibi infra aliqua Dominia Regni *Anglie*, vel *Wallie*, sive in *Marchiis* earund' ubi aliqua persona, sive aliquæ personæ habent, seu extunc imposterum haberent Autoritatem virtute Commissionis Domini Regis suarum Literarum Patent' vel Brevis ad tenend' placita terræ, vel examinand' audiend', sive determinand' aliquem titulum de terra, sive aliquam materiam vel testes concernent' titulum jus vel interesse

esse aliquarum terrarum, tenement' five hereditament' Ac etiam quod nulla persona, five personæ Cujuscunque status, Gradus vel Conditionis, ipse, vel ipsi, fuerit, five fuerint, ex tunc in futuro Illicite retineret, five retinerent, pro manutentione alicujus sectæ, five placiti, aliquarum personarum, aut aliquas personas, five Imbrasiaret, vel Imbrasiarent, aliquos liberos tenentes vel Juratores, aut subornaret aliquos testes per literas, munera promissa, five aliquem alium sinistram labor', vel medium ad manutenend' aliquam materiam five causam, aut ad disturbance' vel impediment' Justitiæ, vel ad procuracion' five occasion' alicujus perjurium per falsum verdict' aut aliter in aliquibus curiis antedictis sub pænâ forisfaciend' pro qualibet hujusmodi offensa x l. Quorum una medietas esset Domino regi, altera vero illi qui pro eadem prosequi voluerit per actionem debit' Billam Quærelam five Informationem in aliqua curia dicti Domini regis ubi nullum essonium proteçt' vadiat' legis five Injunctio allocabitur, prout in statut' predict' inter alia plenius Continetur.

Quidam tamen *T. L.* Statut' predict' minimè ponderans quandam actionem quæ fuit in curia domini regis Coram Justitiariis suis de Banco inter quendam *R. B.* quærent' & quendam *T. D.* de placito debiti pro parte dicti *R. B.* versus prefat' *T. D.* xxvii. die Junii, Anno regni, &c. apud *S.* in Com' predict' manutenuit & sustentavit in Justitiæ manifestam retardationem & disturbance' ac in dicti Domini regis nunc contempt' & predict' *T. D.* grave damnum, ac contrâ formam statut' predict', &c.

*X. Crumpt.* 263. pl. 98. Indictment of using Liveries, *Contra*, to 1 *H.* 4. 7. § 1. *N.* 9. & 7 *H.* 4. Cap. 14. & 1 *Rich.* 2. 7. & 8 *H.* 6. Cap. 4.

*Staff.* ff. Juratores pro Domino rege super sacrament' suum dicunt quod cum in statuto *Hen.* 4. nuper Regis Angliæ apud *W.* Anno regni sui primo tent' edit' inter cetera ordinat' existit quod nullus Archiepiscopus, Episcopus, Abbas, vel Prior, nec aliquis alius Ecclesiasticus, vel temporalis, cujuscunque status, seu conditionis existat infra regnum Angliæ a festo sancti Purificat' beatæ Mariæ virgin' tunc proxim' sequent' det aliquam liberat' panni, nisi solummodo familiaribus & officiariis suis, ac illis qui de consilio suo existunt, tam spiritualibus quam temporalibus, in una lege vel in altera erudit' sub pænâ faciend' finem & redemptionem ad voluntatem Domini regis.

Ac postmodum in Parliament' Domini regis supradict' Anno regni sui septimo tent' ordinatum fuit & statut' quod tam hoc statut' quam statutum de capiciis tempore domini Richardi nuper regis Angl' secundi post conquestum fact' firmiter tenerentur, custodientur & in debita Execution' ponerentur, addit' eidem quod si aliquis miles vel aliqua persona minoris status det aliquam liberatam panni vel capiciorum contra formam statut' predict' immorat' pænâ cent' solid' pro qualibet liberata panni vel capiciorum Domino regi quoties in contrarium statutorum vel ordinationum predict' faceret, & quod ipse qui aliquam liberat' panni vel capiciorum receperit incurrat similiter pænâ x l. solid' solvend' eidem Domino regi ut predictum est, & quod ipse qui in hoc casu sequi voluerit haberet medietatem talium pænarum pro labore suo, & quod pænâ predict' nullo modo pardonentur.

Ac in statuto in Parliament' Henrici vi. nuper regis Angliæ apud Westm' in Com' *M.* Anno regni sui viii. tent' edit' ordinatum & stabilitum existit quod cum ordinatum sit per diversa statuta facta temporibus nobilium progenitorum ipsius regis quod nullus miles five aliquis alius de minore statu daret aliquam liberatam pannorum seu Capiciorum aliquibus nisi familiaribus & officiariis suis, & hominibus in una lege vel in altera erudit', sub pænâ Centum solid' de Donatore & xl s. de receptore levand' toties quoties fecerint in contrarium statut' predict' & quod ipse qui prosequi voluerit habeat unam medietatem pænâ predict' postquam hujusmodi



hujusmodi delinquentes debite convicti fuerint ; & quod Justiciarii ad Affizas capiend' & Justiciarii pacis in quolibet Comitatu Regni Angl' habeant potestatem de tempore in tempus in Sessionibus suis ad Inquirend' de materia predicta, & illas Audiend' & terminand' prout in statuto predicto plenius continetur.

Quidam *J. L.* nuper de *C.* in Com' predict' *Neoman*, & alii quandam liberat' panni *viz.* quilibet eorum unam togam coloris &c. de *R. L.* de *S.* Armiger' qui familiares sive officarii sui aut de consilio suo in una lege vel in altera eruditi non existunt apud *S.* in Com' predict' die, &c. Anno &c. receperunt & eisdem togis *A.* dicto x die, &c. usque &c. usi fuerunt, & quilibet eorum usus fuit in Domini regis nunc contemptum, & contra form' statut' & ordinat' predict' &c.

XI. *Crumpt.* 268. *pl.* 106. an Indictment of Champerty, on 28 *Ed. 1.* *St. 3. Cap. 11. West Symb.* 100. *b. pl.* 90. supra 5 § 2.

*Staff.* ff. Juratores pro Domino rege &c. super sacrament' suum presentant, quod cum de Communi consilio Regni Domini nostri *Edw.* nuper regis Angl' primi Anno Regni sui xxviii. progenitoris Domini regis nunc provisum sit quod nullus minister vel aliquis alius manuteneat placita, querelas vel negotia quæ sunt in curia Domini regis de terris, tenement' aut aliis rebus quibuscunque pro parte rei petita, vel aliquo proficuo per Conventionem factam inde habend', nec aliquis jus suum sub hujusmodi Conditione alteri dimittat, quidem *W. P. &c.* simul cum *R. S. &c.* x die &c. Anno &c. quandam querelam cujusd' Affizæ friscæ forriæ quæ est in curia dicti Domini regis nunc Civitatis *E.* Coram *E. B.* majore & *C. D.* vicecom' ejusd' Civitat' sine brevi ipsius Domini regis secundum consuet' Civitat' predict' inter quosdam *J. R. & T. L.* de uno messuagio cum pertinent' in Civitat' predict' pro parte ejusd' messuagii *viz.* pro medietate messuagii illius sibi & heredibus suis imperpetuum, & alio proficuo *viz.* pro medietate Damnorum in quarela affizæ predict' recuperand' inde habend' per conventionem inter prefat' *J.* ac predict' *W. & R. S.* apud *E.* predict' factam assumpsit manutened' & manutenet ad grave Damnum ipsius *T. L.* & contra formam provisionis predict', &c.

*May-poles*, see *Games*.

*Man-slaughter*, see *Coron*.

*Marches*, see *Wales*.

### ( Merchants )

*Factors*, *Ouster le mere*, *Traveliers*, *Trades*, *Ships*.

*Ouster le mere.*

I. 31 *Ed. 3. 7. § 1. N. 2.* The King may assign Justices to inquire, hear and determine of exporters of Wool, Woolfels and Leather against the Statute of the Staple, *Lamb.* 590.

*Viſtuals.*

II. 1 & 2 *Pb. & Mar. 5. § 6. N. 1.* All and singular Justices of Peace, as well within Liberties as without, at any time within three years after the Offence, may as well by the Oaths to inquire, as also to hear and examine the Master and Marriners, and all others of Offendors in Transporting Corn, Viſtuals, Wood, &c. and to hear and determine the same as other Trespasses, *Lamb.* 449. 503. *Crumpt.* 85. *b.* 86.

*Seizure.*

III. 13 & 14 *Car. 2. 13. § 3. N. 1.* Any Justice of Peace on Complaint at time reasonable, may give Warrant to Constable to enter and search Shops, &c. being open, and to seize Forreign Imported Bonelace, Embroidery, Cut-work, Buttons, Silke-works, &c.

IV. *Lamb.* 431. Enquiry in Sessions if any Officer have in any Town <sup>Scavage.</sup> taken scavage or shewage, that is to say, any thing for the shewing of Ware or Merchandize that be truly Customed to the King before, 19 *H.* 7. 8.

§. N.

V. *Kilb.* Prefidents, 118. A warrant against those who abuse the Off- <sup>Officer.</sup> cers of the Customs, on 14 *Car.* 2. 11. §. N.

To the Constables and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Goal for the said County, at *M.* in the County aforesaid.

*Kent.* ff. **F**Orasmuch as it hath been made appear unto me, that *A. B.* and *C. D.* persons appointed by His Majesty for managing the Customs (Officers of the Customs or their Deputies, &c.) have lately been forceably hindered (afronted, abused, beaten or wounded to the hazard of their Lives) in the due Execution of Offices in the said place by *E. F. G. H.* Armed with Clubs, &c. on board of the Ship called, &c. (or on the Land or Water, &c.) and *J. K.* &c. acting in their Aid and Assistance; these are therefore in His Majesties Name to require you the said Constables and Borsholders, and every of you, that you some or one of you do take the said *E. F. G. H.* and them convey to his Majesties Goal aforesaid, and them there deliver to the aforesaid Keeper of the same, together with this precept, requiring also you the said Keeper to receive them into the said Goal, and them there safely to keep till the next Quarter Sessions, there to be dealt withal as by the Statute in that behalf lately made is appointed; hereof fail not at your Perils. Given under my Hand and Seal the x day, &c. Anno, &c.

VI. *Kilb.* Prefidents. 119. A Warrant against taking up uncustomed <sup>Customs.</sup> Goods, 14 *Car.* 2. 11 §. N.

*Kent.* ff. **F**Orasmuch as complaint hath been made unto me that *A. B.* Carman, (*Porter, Waterman, &c.*) at *E.* in the County aforesaid, hath assisted in the taking up (*Landing, Shipping off, or Conveying away, &c.* (of Goods, Wares, or Merchandizes) prohibited (or whereof the Custome, Subsidy, or other duty are payable to the King) without the presence of any of the Officers of his Majesties Customes thereunto appointed (or at hours and times not appointed by law: or Goods passing by Certificates, Wast, Cochet or otherwise without the presence of, or notice given to one of his Majesties Officers,) these are therefore in his Majesties Name to will and require you, and every of you, that you some or one of you apprehend the said *A. B.* and him bring before me to answer the Premises, and farther to do and receive as by the said Statute in that behalf lately made is appointed, hereof fail not at your Perils. Given under my Hand and Seal the Tenth day, &c. Anno, &c.

VII. *Kilb.* Prefidents. 120, 121. A Mittimus upon the precedent Warrant, 14 *Car.* 2. 11.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Goal of the said County at *C.* in the County aforesaid.

*Kent.* ff. **F**Orasmuch as it hath been duely proved before me, That *B. C.* hath assisted in the taking up, &c. of Goods, &c. Prohibited; &c. without the presence of any of the Officers of his Majesties Customes there-

thereunto appointed, &c. These are therefore in his Majesties Name to require you the said Constable and Borsholders, and every of you, that you, some, or one of you, do convey the said *B. C.* to his Majesties Goal aforesaid, and him there deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said Goal, and him there safely to keep until he shall find sufficient Surety to be of Good behaviour, for so long time, until he be thereof discharged by the Lord Treasurer, Chancellor, under Treasurer, or Barons of the Exchequer, or otherwise by due course of Law. Hereof fail not at your perils. Given under my Hand and Seal the Tenth day, &c. Anno, &c.

VIII. Upon the second like Offence, upon 14 *Car. 2.* 11. §. N.

*Kent. ff.* **F**Orasmuch as it hath been duly proved before me, that *C. D.* hath assisted in the taking up, &c. of Goods, &c. Prohibited, &c. without the presence of any of the Officers of his Majesties Customs thereunto appointed, &c. and forasmuch as the said *C. D.* hath once before Offended in the like kind, and hath been duely Convicted thereof: These are therefore in his Majesties Name to require you the said Constable and Borsholders, and every of you, that you, some or one of you do convey the said *C. D.* to his Majesties Goal aforesaid, and him there deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said Goal, and him there safely to keep for the space of two months without Bail or Mainprife, or until he shall pay the Sheriff of this County the Sum of Five Pounds for the use of his Majesty, or until he shall by the Lord Treasurer, Chancellor or under-Treasurer, or Court of Exchequer be thence discharged, or by due Course of Law, hereof fail not at your Perils. Given under my Hand and Seal the Tenth day, &c. Anno, &c.

( *Market Overt.* )

*Fairs, Toll, Property, Forestalling, Ingrossors, Regrators.*

Foretallers.

I. *Amb.* 345, 562. He that is Convicted before the Justices of the Peace for offending the Statute 5 & 6 *Ed. 6.* 14. § 4. N. 1. made against Forestalling, &c. shall be Committed to the Goal for two months without Bail or Mainprife, *Crompt.* 155. b.

Dayes.

II. *Lamb.* 443. Inquiry in Sessions if any have within these two years Forestalled, Regrated or Ingrossed unlawfully, 5 & 6 *Ed. 6.* 14. § 1. 2, 3. *Crompt.* 79. b. 124. a. 193.

III. *Lamb.* 444, 445. Inquiry in Sessions if any Person have within these two years bought Corn in any Fair or Market for Change of his Seed, having then sufficient for his House, and for sowing his Ground for a year, and did not bring thither if he might so much as he did so buy, and did not the same day Sell it after the Price then going, 5 & 6 *Ed. 6.* 14. § 8. N. 1. *Crompt.* 80.

IV. *Lamb.* 446. Enquiry in Sessions if any Person have within these two years bought Oxen, Ronts, Steers, Kine, Heifers, Calves, Sheep, Lambs, Goats or Kids living, and sold any of the same again alive before he hath kept them five weeks, 5 & 6 *Ed. 6.* 14. § 9. N. 1. *Crompt.* 81.

V. *Lamb.* 446. Enquiry in Sessions if any Person have Regrated, Ingrossed, or got into his hands any Oaken Bark to the Intent to sell the same again, 1 *Jac.* 22. § 19. N. 1.



VI. *Lamb.* 446. Enquiry in Sessions if any have Forestalled any Hydes, or bought any Hide out of open Market or Fair, unless of such as have killed Beasts for their own Provision, 1 *Jac.* 22. § 7. N. 3.

VII. *Lamb.* 446. Enquiry in Sessions if any Person have bought any Drapery. Woollen Yarn, and have not made Cloth thereof, 8 *H.* 6. 5. §. N. or have bought any Wool but of the owner of the Sheep, and of the Tyth. 14 *Rich.* 2. 4. *Crumpt.* 95. *b.*

VIII. *Lamb.* 503. Upon the Examination of two lawful Witnesses the Process. Justices of Peace may make Process as if it were upon an Inquisition of xii men, 5 & 6 *Ed.* 6. 14. § 10 N. 1. *Crumpt.* 126. *b.* 130. *ab.* 151. *b.* 194. *b.*

IX. *Lamb.* 576. Doubtless by special Provision made in 5 & 6 *Ed.* 6. Execution. 14. § 10. N. 4. against Forestallers, the Justices of Peace may make Execution of the one moiety of the Forfeiture for him that sueth by *Fieri facias* or *Capias*, as the Kings Justices at *Westminster* use to do, *Crumpt.* 183. *b.* 194. *b.*

X. *Lamb.* 599. The Enquiry, hearing and determination of Forestallings, Ingrossings and Regratings, may be at the Quarter Sessions, 5 & 6 *Ed.* 6. 14. § 10. N. 1.

XI. *Crumpt.* 80. *b.* Nota, that 5 & 6 *Ed.* 6. 14. § 16. N. 1. speaks of him that is known for a common Drover, and not of any pety Chapman, and 5 *Eliz.* 12. § 4. N. 1. speaks of common Drovers and not of any pety Chapman, and it appears by this Statute that the intent was to repress the number of Drovers, Badgers, Laders, &c. of Corn, &c. therefore see if the Justices can License the pety Chapmen to buy Cattle as the common Drovers.

XII. *Crumpt.* 196. *b.* § 14. Justices of Peace in Sessions shall take recognizances of Badgers and Drovers, that they shall not Forestal, nor Ingross, nor do any other thing against the Statute, 5 & 6 *Ed.* 6. 14. § 16. N. 1.

XIII. *Dalt.* 73. *Cap.* 27. Every Justice of Peace after sale made in open Fair or Market of any stolen Horse, &c. at any time within Six months after the said Sale may take, and hear the Claim and Proof of the right owner from whom the same was Stolen, or of his Executors or Administrators, or other person by their appointment, which proof must be by two sufficient Witnesses upon Oath to be made within Forty dayes next ensuing such Claim. 2 & 3 *Ph. & Mar.* 7. § 7. N. 1.

XIV. *Dalt.* 74. *Cap.* 27. If the Thief which stealeth a Horse shall sell the same in Market-Overt or Fair by a false name, and that be so Entred in the Toll-Book, such mis-naming of the Seller maketh the Sale void against the right owner, and this was the opinion of *Windham* and *Rhodes* Justices. *Anno* 30 *Eliz.* *Gibs* and *Bastel* upon 2 & 3 *Ph. & Mar.* 7. § 4. N. 1. where *Potter* sold by the name of *Lyster*, and so Entred, and Plaintiff recovered in Trover.

XV. 13 *Ed.* 1. St. 2. *Winch.* *Cap.* 6. § 1. N. 16. The King commandeth and forbiddeth, that from henceforth neither Fairs nor Markets be kept in Church yards for the honour of the Church, *Crumpt.* 16. *b.*

XVI. 27 *H.* 6. 5. § 1. N. 2. All manner of Fairs and Markets in the said principal Feasts (*viz.* of Ascention, Corpus Christi, Whitsunday, Trinity Sunday, Assumption of our Lady, all Saints, &c.) and Good Friday; shall clearly cease from all shewing of any Goods or Merchandizes (necessary Victual only except,) on pain of Forfeiture of all the Goods so shewed, &c.

XVII. 3 *Car.* 1. *Cap.* 1. (2) § 1. N. 3. If any Butcher by himself, or any other for him by his Privy or Consent, shall kill or sell any Victual upon the

the Lords day (called Sunday) such Butcher shall forfeit Six Shillings eight pence.

XVIII. *Dalt.* 74. *Cap.* 27. Also the Lord of such a Fair or Market kept upon the Sabbath day, contrary to the Statute (27 *H.* 6. 5.) may be therefore Indicted for the King, either at the Assizes and General Goal Delivery, or at the Quarter Sessions of the Peace within that County.

Poor.

XIX. *Crompt.* 199. *b.* Two Justices of Peace may give License to Pedlers, Tinkers and petty Chapmen to Travel, so that they shall not be taken as Rogues, 14 *Eliz.* 5. §. N. 39 *Eliz.* 4. §. N. & 5 & 6 *Ed.* 6. 21. §. 1. N. 3.

XX. *Lamb.* 431. Enquiry at Sessions if the Clerk of a Market have taken any common Fine to dispense with faults : or hath ridden with more then six Horses, or hath tarried longer in the Country then the necessity of his business required, 13 *Rich.* 2. 4. §. N. *Crompt.* Jurisd. 220.

Toll.

XXI. *Lamb.* 464. Enquiry in Sessions if any owner, Officer, or Ruler of any Fair or Market, have not appointed one certain open place there for the Sale of Horses, Geldings, Mares and Colts, and one sufficient Person to take Toll, and keep the said place: and if any such Toll-gatherer, or his Deputy have taken any more then one penny Toll for one Contract, or for Entering the names of the Parties, and that in the same place only, and between Ten of the Clock in the Morning and Sun setting, 2 & 3 *Ph. & Mar.* 7. §. 2. N. 1.

XXII. *Lamb.* 464, 465. If any Person have in any Fair or Market sold, given, or put away any Horse, Mare, Gelding, Colt or Filly, unless the Toll-taker, Book-keeper, Bayliff, or Chief Officer thereof will take upon him perfect knowledge of the same Person, his Name, sur Name, and place of Dwelling, or Residence, and shall enter the same into a Book kept for Horses Sold, or unless the said Person do bring to such Toll-taker, Book-keeper, &c. one sufficient and Credible Person that can and will testify that he knoweth the Seller, Giver, or putter Away, his Name, Sur-Name, Mystery, and dwelling place, and there enter into such Book as well the same, as the Name, Sur-Name, Mystery, and place of Dwelling, or residence of such Testifier, together with the true Price that shall be taken for any such Horse, Mare, Gelding, Colt or Filly so Sold, none shall so testify unless he do indeed truly know the same upon pain to forfeit v l. for every default in any the Premises, and the like pain upon the Toll-taker, or other Officer aforesaid, that shall refuse to give the Buyer, or taker of such Horse, &c. a true Note in Writing of that his Entry, the Party paying two pence for the same, 31 *Eliz.* 12. §. N.

XXIII. *Lamb.* 431. Enquiry in Sessions if any Officer have in any Town taken Scavage or Shewage, that is to say, any thing for the shewing of Ware or Merchandize that be truly Customed to the King before, 19 *H.* 7. 8. §. N.

XXIV. *Dalt.* 146. *Cap.* 65. Sir Francis Harvey hath often delivered in his Charge at Cambridge Assizes these Directions, *scilicet*, that one Justice of the Peace at the least ought to sit with the Clerk of the Market, to see the Kings Subjects be not wronged.

2. And that the Clerk of the Market ought to have with him his Directions out of the Exchequer, &c.

XXV. *West. Symb.* 2. part 124. *b.* sect. 179. An Indictment for Regrating of Corn in a Market, pract. Presidents, 71.

Essex. ff.

Inquiratur pro domino rege, &c. si *W. T. D. N.* in predict' Com' E. & A. B. &c. Laborers x die &c. Anno regni &c. & quam plurimis aliis diebus antea & postea fuerunt regratores mercati de D. in predict' Com' E. ac diversa genera Gravorum ad mercat' predict' per diversos ligeos dicti

dicti Domini regis illuc adventur' viz. x Quarterii frumenti ad valent' vi l. apud D. predict' in predict' Com' E. regrat' ad Intentionem quod idem frument' iterum venderent ad grave Damnum populi dicti Domini regis & Contra Formam diversorum statut' in hujusmodi casu Edit' & Provil.

XXVI. *West. Symb. 2. part 136. sect. 232.* An Indictment for regrating of Corn.

Inquiratur pro Domino rege &c. si R. L. nuper de T. in Com' E. predict' Teoman, & H. D. nuper de N. in Com' predict' Teoman, xx die Junii Anno regni &c. apud B. & T. in Com' predict' Emerunt & regrataverunt de T. S. R. R. & aliis ligeis Domini regis l. Quarter' frumenti pertii xxv l. Cent' quarteria Hordei pretii xxiv l. & al' frument' & Hordea in Domibus mansion' suis ut regratores mercati dicti Domini regis accumulaver' & Custodiverunt ea Intentione ut frument' Hordea & alia grana sub suis Custodiis ad suum libitum exponere & vendere potuerunt, ob quod grana in mercat' & villis Comitatus predict' multipliciter Chariora & rariora forent in grave damnum populi Domini regis, ac contra formam statuti in hujusmodi Casu Edit' & Provifi.

XXVII. *Pract. Presidents, 59.* An Indictment for Ingrossing of Corn to sell it again, 5 & 6 Ed. 6. 14. §. N

Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de C. in Com' K. predict' Laborer Vdie Maii Anno Regni, &c. apud M. in Com' K. predict' ac diversis aliis diebus tam antea quam postea diversa grana, viz. LXX quarteria Hordei & XXX quarteria tritici & XX quarteria brasii ad valentiam &c. Emit & Ingrossavit & in manibus suis tenuit ea Intentione ad vendend' grana predict' contra formam Statuti in hujusmodi casu Edit' & provifi, in contempt' dicti Domini regis nunc, & contra pacem dicti Domini regis Coronam & dignitatem suas.

XXVIII. *West. Symb. 2. part 124. b. Sect. 180.* An Indictment for Regrating of Fish and Butter, &c. *Lamb. Precedents, 19. pl. 54.*

Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de C. in dict' Com. E. Mercer XX die Julii Anno Regni, &c. apud C predict' in Com' E. predict' in quodam mercatu tunc ibidem tent' pro Xl s. monet' Emit', regratavit, obtinuit & nactus est in possessione, & manus suas X paria piscium Angl. dict' Ten Couple of Lings, & tria vasa Butyri falsi Angl. vocat' Three Firkins of Salt Butter de quodam E. F. qui predict' X paria piscium, ac dict' tria vasa Butiri ad Eund' mercatum, ut ea ad tunc ibidem venderet adduxisset, & quod immediate postea scil. dict' XX die &c. Anno &c. supradict' idem A. B. in dicto eodem pleno mercatu tunc ibidem apud C. predict' in dict' Com' E. tent' eodem omnia dicta paria piscium ac butyri vasa cuidam H. R. pro LXXX s. legalis monet' dicti Domini Regis hujus Regni sui Angliæ illicite vendidit in magnum reipublicæ damnum ac contra form' diversorum Statutorum hujus Regni Angl. in hujusmodi casu provisorum ac editorum.



## ( Marriage. )

## Bar and Feme, Coverture Women.

Bar & Feme. I. *Lamb.* 416. Enquiry in Sessions if any Person being Married, shall Marry any other, the former Husband or Wife being alive, other then such Persons whose Husband or Wife have remained beyond the Seas Seven years together, or hath absented him or her self one from the other Seven years together, within the Kings Dominions, the one not knowing the other to be Living, or that was at the time of such Marriage lawfully divorced, or whose former Marriage hath by Sentence Ecclesiastical been declared to be void, or whose former Marriage was had within age of Consent 1 *Jac.* 11. § 1. N. 2. *Crompt.* 52.

Clergy. II. *Lamb.* 555. *Bigamus*, that is to say, he that hath been twice Married, or which hath Married a Widow, may have his Clergy at this day, though in old time it were a good Counterplea against it, 4 *Ed.* 1. 5. *de Bigamis*, *Dyer*, 201. b. pl.

Ordinary. III. *Lamb.* 544. Marrow saith also, that if *Bigamy* that ungodly Popish Counterplea had been alledged against one that prayed his Clergy, the Justices of Peace could not have written to the Ordinary to certify the same.

Indictment. IV. An Indictment for Marrying without a Ring, in practick part of Justice, &c. 169. on 5 & 6 *Ed.* 6. 12. § 3. N. 1.

Midd. ff. *Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. de C. in Com' M. predict' Clericus persona Ecclesiastica ac minister Ecclesie de C. predict' existens, divisans & imaginans diversa varia & insolita scismata Ritus & Consuetudines inter populum dicti Domini Regis Regni sui Angl' spargere & suscitare & plurimos ligeos & vera pietatis & religionis Tramite necnon à Ritibus Ecclesie Anglicanæ & à forma ordinationis Communis precationis & divini servitii in Ecclesia Anglicana pie & recte stabilit' & usitat' in Densissimas Errorum tenebras producere primo die Martii Anno Regni, &c. apud C. predict' viz. in Ecclesia parochiali ibidem quasdam C. D. & E. uxorem ejus maritavit, & in juri matrimoniali Conjunct non Dans prefat' E. ad tunc & ibidem tempore solemnizationis sponsalium inter eosdem C. & E. aliquem Annulum nuptialem prout Juxta morem & Consuetudinem Ecclesie Anglicanæ fieri debet & solet: sed idem A. B. ad tunc & ibidem sponsalia inter prefat' C. & E. Celebravit quantumvis prefat' E. Dicto tempore Celebrationis sponsalia predict', aliquem Annulum non dedit contra formam Statut' & ordinationem in hujusmodi Casu Edit' & provis. in depravationem libri Communis precationis ac contra pacem dicti Domini Regis Coronam & Dignitatem suas.*

*Marshalsey*, see *Coron.*

*Marshes*, see *Husbandry.*

( *Masons.* )

*Tyles, Brick-layers, Lime Burning.*

I. *Amb.* 193. Any one Justice of the Peace by the large words of 17 *Ed.* 4. 4. § 1. N. 13. may enquire, hear and determine by his discretion, as well by examination as otherwise the offences committed in Tyle-making, and Assess the Fine therein limited, and may call before him at any time or place such as have best knowledge in Tyle-making, and appoint them searchers of the said defaults, but learn whether it be so to be taken or no, *Crompt.* 195. *b.* § 23. *Dalt.* 140. cap. 59.

II. *Lamb.* 460, 461. Enquiry at Sessions, If any Tyle-maker have not digged and cast up his Earth for Tyle till after the first of *November*, or have not stirred and turried it till after the first of *February* following, or if he have wrought it before the first of *March* following, or if he have not wrought and tryed it from Stones, Veins and Chalk: Or if he have made, or any person have put to Sale any plain Tyle under ten Inches and a half in length, six Inches and a quarter in breadth, and half an Inch and a quarter in thickness, ; or any Roof Tyle under thirteen Inches in length, and half an Inch and half a quarter in thickness, with convenient deepness: Or any Gutter-Tyles under ten Inches and a half in length, with convenient thickness, breadth and depth: And if any Searchers appointed for the Over sight of the true making of Tyle have not done their effectual endeavour and diligence in this behalf, 17 *Ed.* 4. 4. § 1. N. 2. &c. *Crompt.* 90. *b.* *Dalt.* 150. cap. 65.

III. *Lamb.* 500. Of like value (*viz.* as Verdict of XII.) is a Presentment made at the next Sessions by Searchers appointed to examine the true making of Tyles, 17 *Ed.* 4. 4. § 1. N. 19. *Crompt.* 125. *b.*

IV. *Lamb.* 525. The Justices of Peace may hear by their discretion, as well by Examination as otherwise, at the suit of the King, or of the party the offences done against 17 *Ed.* 4. 4. § 1. N. 13. *Crompt.* 130. *b.* *Lamb.* 528. 570.

V. *Crompt.* 49. Charge at Sessions, you shall inquire of Congregations, and Confederacies done by Masons in their General Chapters and Assemblies, whereby the effect of the Statutes of Labourers is destroyed, if any such be Assembled; These who make such Assemblies, and hold these Chapters, and Congregations, are Felons; and the other Masons that come to these shall be punished by imprisonment, Fine, and Ransom at the King's Will, 3 *H.* 6. 1. §. N. & 1 *Ed.* 6. 12. §. N. 5 *Eliz.* 4. §. N. *Fitzh.* I. P. 115. *Lamb.* 225.

## ( Mettle. )

Brass, Pewter, Latten, Tynn, &c.

I. *Amb.* 610. At the Quarter Sessions to be holden after *Michaelmas*, the Justices of Peace are to appoint Searchers for Brass and Pewter, 19 *H.* 7. 6. § 1. N. 15. & 4 *H.* 8. 7. § 6. N. 2.

*Crumpt.* 19. *ab.* Enquiry at Sessions, if any Pewterer or Brasier sell or exchange any Pewter or Brass, in any place, if it be not in Market overt, or Fair, or in their Houses, if he be not required by the buyer, he shall forfeit 10 *li.* for every default, 4 *H.* 8. 7. § N. & 19 *H.* 7. 6. § N. & 25 *H.* 8. 9. *Fitzh.* I. P. 126. *Lam.* 460.

III. *Crumpt.* 90. *b.* If any Cast or Work any Pewter Vessel, or Brass that is not good and fine Mettle, as is wrought in *London*, and as by the Statute thereof made ought to be, shall forfeit the Pewter and Brass so Cast, and Wrought, *Fitzh.* I. P. 126.

IV. *Crumpt.* 90. If any make any hollow Ware of Pewter, as Salts or Pots, called *Ley-mettle*, which is not according to the Assize of Pewter or *Ley-mettle*, which is wrought in *London*, or doth not mark this with their proper marks, they shall be forfeit, 4 *H.* 8. 7. §. N. *Fitzh.* I. P. 126.

V. *Crumpt.* 90. *b.* Enquiry at Sessions, if any that use the selling or buying of Brass or Pewter, occupieth any deceitful or false Beams, or Weights, he shall forfeit 20 *s.* and shall be put in the Stocks until the next Market-day, and then shall be put on the Pillory in time of Market, 4 *H.* 8. §. N. *Fitzh.* I. P. 126.

VI. *Lamb.* 460. Inquiry at Sessions, if any Gold-smith, or Worker of Silver, have wrought any Silver that is not so fine in Allay as the Sterling, or have not set his mark upon his work before he set it to sale, 2 *H.* 6. 14. §. N. And if any have gilded any Sheaths, or any Mettle but Silver, saving the Spurs of Knights, and the Apparel of a Baron, or such as are above that state, 8 *H.* 5. 3. §. N. *Crumpt.* 89. *b.*

VII. *Lamb.* Precedents 20. pl. 56. An indictment against a Goldsmith.

Kent II.

*Juratores pro Domino Rege super sacramentum suum presentant, quod A. B. de S. in dicto Comitatu Aurifaber secundo die Julii Anno Regni, &c. Apud S. predicti in Com' predicti quoddam Manubrium pugionis ferrei Anglice dict' a Dagger-hilt of Iron, Cujusdam E. F. de S. predicti in Com' predicti Yeoman, valoris duorum solidorum deauravit Anglice did guild with the finest Gold in magnum reipublice detrimentum ac contra form' cujusdam Statuti in Parliamenti Domini Henrici nuper Regis Angliae quinti, tent' Anno Regni sui octavo in hujusmodi casu provisi & editi. West. Symbol' 2. part 109. b. sect. 122. 8 H. 5. 3. §. N.*

Master,



Master, see *Apprentice*.

Mafs, see *Pope*.

Mault, see *Corn*.

Mean Acts, see *Days*.

Menace, see *Affray*.

Messages, see *Ways*.

( Measures. )

Weights.

**I.** *Lamb.* 351. Two Justices of Peace, so that one be of the Quorum, may by Examination or Inquiry, hear and determine the faults of Head-Officers of Cities, Boroughs, and Market Towns, that do not yearly View and Examine Weights and Measures, and break and burn the defective: As also the defaults of Buyers and Sellers by other Weights and Measures then they ought to do, and may break and burn the defective Weights and Measures, and Amerce and Fine the Offenders by their discretion, and make Process against them, as if they were Indicted of Trespas against the Peace, 11 *H. 7. 4. § 1. N. 13.* 12 *H. 7. 5. Crumpt.* 199. *b. 95. a. 131. 152. Dalt.* 142. cap. 65:

**II.** *Lamb.* 431. Inquiry at Sessions if the Mayor of, &c. have taken above one peny for fealing a Bushel Measure, or above a half peny for any other Measure; or above one peny for Sealing an Hundred-Weight, or above a half-peny for half a Hundred-Weight, or above a farthing for any less Weight, 7 *H. 7. 4. §. N. & 11 H. 7. 4. §. N.*

**III.** *Lamb.* 452. If any common Brewer, Baker, or Tipler, have broken the Afsize of Bread, Beer or Ale, and if any Steward of Leet, or Officer in Market Town, have taken any Fine for breach of the Afsize of Bread or Ale, in such case where Corporal punishment is appointed, 13 *Rich. 2. 8. § 1. N.*

**IV.** *Lamb.* 452. Inquiry at Sessions, if any have bought or sold by any unlawful Weights or Measures, or if any person have bought or sold in any City or Market, with any Weight or Measure that is not Lawfully marked or signed, 11 *H. 7. 4. §. N.*

**V.** *Lamb.* 452. Or have bought Corn by heaped Measure in any place, except within Ship-board, or have used double Measures, the one to buy, the other to sell with, 25 *Ed. 3. St. 4. cap. 10. §. N. & 15 R. 2. 4. §. N. Crumpt.* 94. *b. Dalt.* 145. cap. 65.

**VI.** *Lamb.* 452, 453. Inquiry at Sessions, if they of the Town where the King's Standard is appointed to remain, have not their Common Weights and Measures signed, or have not thereby signed Weights and Measures sold to all that have required the same, and if the Head-Officers of Market-Towns have not twice yearly made View and Examination of Weights and Measures there, 11 *H. 7. 4. §. N. Crumpt.* 94. *ab.*

**VII.** *Lamb.* 453. Inquiry at Sessions, if any Barrel for Beer contain not of the King's Standard 36 Gallons, the Kilderkin 18 Gallons, the Firkin 9 Gallons; every Barrel of Ale 32 Gallons, the Kilderkin 16 Gallons, and every Firkin 8 Gallons, 23 *H. 8. 4. § 4. N. 1. Crumpt.* 92. *b. Dalt.* 148. cap. 65.

**VIII.** *Lamb.*

Wine.

VIII. *Lamb.* 453. If any have made or brought into this Realm any Tun of Wine not containing 252 Gallons, or Pipe not containing 126 Gallons, or Tertian not containing 82 Gallons, or Hoghead not containing 63 Gallons; or Butt of Malmsey not containing 126 Gallons; or Barrel of Herrings, not containing 32 Gallons of Wine-Measure, or Barrel of Eels not containing 42 Gallons, or Butt of Salmon not containing 84 Gallons, or any Kilderkins, Tertian, Ferkins, or Rundlets, but after the same rate, 2 *R.* 3. 13. 2 *H.* 6. 11. §. N. & 28 *H.* 8. 14. §. N. *Crompt.* 92. *b.*

IX. *Lamb.* 453. Inquiry in Sessions, if any have made any Vessel of Soap, that being empty containeth not 32 Gallons for the Barrel, 16 for the half Barrel, and 8 for the Firkin, or weigheth above 26 *li.* the Barrel, and 13 *li.* the half Barrel, and 6 *li.* and a half the Firkin, 23 *H.* 8. 4. §. N. *Dalt.* 145. cap. 65. *Crompt.* 92. *b.*

X. *Dalt.* 143. cap. 65. Troy Weight is by Law, and thereby are weighed Gold, Silver, Pearl, Precious-stones, Electuaries, Bread, Wheat, and all manner of Grain or Corn, and this hath to the Pound 12 Ounces, or 20 *s.* Sterling weight.

2. *Averdupois* Weight is by Custom, yet confirmed also by Statute, and thereby are weighed all kind of Grocery Wares, Physical Drugs, Butter, Cheese, Flesh, Wax, Pitch, Tar, Tallow, Wools, Hemp, Flax, Iron, Steel, Lead, and all other Commodities, especially such as bear the name of Garbel, &c. whereof issueth refuse or wast.

Corn.

XI. *Dalt.* 145. cap. 65. The difference of Measure of Corn should seem to come partly from the diversity of Clerks of the Market, there being a Clerk of the Market for the King's House, another for the Prince, another for the Dutchy, others in Corporate Towns, and others belonging to Lords of Liberties, and partly from the abuse of divers Corporate Towns, and other priviledged Places or Liberties, where they by usurped Custom without any good Warrant of Law have used to have, and to buy by such Measures, and where the Clerk of the Market for the King hath forborn or neglected to meddle, in regard perhaps of their Corporation Liberty, or some other respect, but this abuse two Justices of the Peace, the one being of the Quorum, may reform, &c. 27 *H.* 8. 24.

XII. *Dalt.* 146. cap. 65. And note that the Clerk of the Market shall carry with him all his Weights and Measures signed according to the Standard of the Exchequer, 16 *R.* 2. 3. §. N. and the Justices of Peace may, yea ought for to sit with the Clerk of the Market at his coming into the Country.

XIII. *Dalt.* 146. cap. 65. Sir Francis Harvey hath often delivered in his Charge at Cambridge Assizes these directions, *scil.*

1. That one Justice of the Peace at the least ought to sit with the Clerk of the Market to see that the King's Subjects be not wronged. And

2. That the Clerk of the Market ought to have with him his directions out of the Exchequer. And

3. That he may take no mony for any Bills, &c. And

4. That he ought to Seal no Bushel, or other Measures or Weights but once, and not yearly, as they use to do. And

5. That if after the first Sealing he shall take any thing for the Sealing thereof again, or for the shewing thereof, &c. it is Extortion, yea one of the greatest Oppressions, for that it concerneth almost all men.

XIV. *Dalt.* 147. cap. 65. For the punishment of the Bakers for their unlawful Bread, Quære, Whither they shall only be Amerced, &c. after Indictment and Conviction of their said offence, or that the Justices of Peace, or Sworn Officers in Leets, may take away their unlawful Bread, and give it among the Poor, as Officers in Towns Corporate are inabled or appointed to do in the end of the Book of the Assize, Printed 1597. And all Justices of

Peace

Peace are there willed and required to be aiding and assisting to the said Officers therein. But by 51 *H.3.* pag. 10. & 13 *R.2.* 8. § 1. N. 4. Bakers and Brewers being Convict for not observing the Assize, the first, second and third time, they shall be Amerced: But if the offence be grievous, or often, then they shall suffer punishment of the Body without Redemption, *scil.* The Baker to the Pillory, and the Brewer to the Tumbrel or Cucking-stool, or some other Correction, *Incert. temp.* 85. cap. 5 & 6.

XV. *Dalt.* 148. cap. 65. No Cooper shall make any other Vessel for Beer, or Ale, to be sold within this Realm of any greater or lesser number of Gallons, unless he shall cause to be marked upon every such Vessel of greater or lesser number of Gallons, the true and certain number; how many Gallons such other Vessel shall contain, 23 *H.8.* 4. § 4. N. 1. *Crumpt.* 92. b.

XVI. *Dalt.* 148. cap. 65. It appeareth by Mr. *Crumpt.* 94. b. That it was agreed by the Justices, that the Measure of Wine and Ale should be all one, but now by the Statute 1 *Jac.* 9. §. N. Ale and Beer shall be sold by Retail by one and the same Measure, *scil.* the Ale-Quart.

XVII. *Dalt.* 148. cap. 65. And for the Prices of all Vessels of Ale and Beer by the Statute 23 *H.8.* 4. § 5. N. 1. any two Justices of Peace might Assess the Prices thereof, and that no Brewer shall take for any Barrel, Kilderkin or Firkin, &c. of Ale or Beer, but after such Prices, and Rates as shall be Assessed by the said Justices of Peace in the Country, or by the Mayor, or their Head Officers in Corporate Towns, &c. But now by 8 *Eliz.* 9. § 5. N. 1. the Assessment of the Prices thereof shall be by the Justices, or the more part of them, being present at the *Easter Quarter Sessions*, and only of such Vessels as shall be made or sold out of Cities or Corporate Towns, *Crumpt.* 93.

XVIII. *Dalt.* 149. Butter shall be Ale-Measure 32 Gallons to the Barrel, the empty Vessel not to weigh above 26 *li.* Firkin not above 6 *li.* and half. Vistuals.

XIX. *Dalt.* 149. cap. 65. A weigh of Cheese is 32 Cloves, every Clove 8 *li.* of *Averdupois*, although 9 *H.6.* 8. and the Assize Printed 1597, seem to make 7 *li.* to be a Clove; and yet by the Assize, the weigh of *Suffolk* Cheese must be 256 *li.* or 12 score and 16 *li.* *Averdupois*, and their Barrel of Butter is of like weight with the foist, but the weigh of *Essex* Cheese or Butter is 300 *li.* after the Rate of 5 score and 12 *li.* to the Hundred, which is 336 *li.* or 16 score and 16 *li.* *Averdupois*.

XX. *Dalt.* 149. cap. 65. For the Assize of Fewel, *scil.* Cole, Talwood, Billet, and Faggot, see 7 *Ed.* 6. 7. 43 *Eliz.* 14.

XXI. *Dalt.* 150. cap. 65. Note, That the Clerk of the Market may enquire of the Pole or Pearch whereby Land is measured, as well as of other Measures, *Crumpt. Jurisd.* 221. but the Justices of Peace are not to meddle therewith, especially out of their Sessions.

XXII. *Kilb. Presidents* 108. b. A Warrant on complaint touching Coals, on 16 & 17 *Car.* 2. 2.

*To the Constables, &c.*

**T**Hese are in His Majesty's Name to require you to cause *A. B.* of &c. *Kent ss.* to come before us *J. S.* and *W. B.* Two of His Majesty's Justices of the Peace for this County, at the House of, &c. the Tenth day of, &c. to answer such complaint against him, for offences against an Act of Parliament lately made (Entitled, *An Act for the Regulating the Measures and Prices of Coals*) as hath been made unto us; and further to do and receive as to Justice doth appertain, hereof fail not at your perils: Given under our Hands and Seals the Ninth day of, &c.

XXIII.



XXIII. *Kilb. Precedents* 108, 109. A Warrant for delivering a Moiety of Coals forfeit, &c. 16 & 17-*Car.* 2. 2.

*Kent ff.*

**F**Orasmuch as *A. B.* of, &c. is duly Convicted before us *J. S.* and *W. S.* Two of His Majesties Justices for the Peace of this County, according to the Form of the Statute in that behalf made, Intituled *An Act for Regulating the Measures and Prices of Coals*, That he the said *A. B.* did lately expose to Sale forty Chaldron of Sea-Coals (*Scotch-Coals*, &c.) of the value of, &c. contrary to the Form of the Statute aforesaid: These are therefore in His Majesty's Name to Will and Require you to seize the Coals aforesaid, and the double value thereof, and that you do deliver one half of the Coals and value aforesaid unto *C. D.* being the person prosecuting in this behalf to his use, and likewise that you do imploy and dispose the other half of the same to, and for the use of the poor, or repairing of the High-ways of the Parish of *M.* where the said offence was Committed; hereof fail not at your perils: Given under our Hands and Seals the Tenth day of, &c.

*Milch Kine*, see *Cattle*.

*Millers*, see *Corn*.

*Militia and Musters*, see *War*.

*Ministers*, see *Ecclesiastical Persons*, *Religion*.

*Minstrels*, see *Games*.

*Misfeasors*, see *Officer*.

*Misprision*, see *Treason*.

*Mitigation*, see *Amerciament*, *Forfeiture*.

*Mittimus*, see *Imprisonment*.

*Monasteries*, see *Abbey*.

### ( *Mony.* )

#### *Multiplication.*

I. *Amb.* 225. Any Justices may Examine and Commit for practising in the Art of Multiplication of Gold or Silver, condemned for Felony by 5 *H.* 4. 4. *Crumpt.* 49.

II. *Lamb.* 420. Enquiry at Sessions, if any person have practised the Art of Multiplication of Gold or Silver, 5 *H.* 4. 4.

III. *Crumpt.* 49. Also you shall inquire (at the Sessions) of all those that have any Galley, Half-pence, Suskins, or Dotkins, made, coyned, bought or brought into the Realm, this is Felony, 3 *H.* 5. 1.

IV. *Crumpt.* 7. *b.* pl. 21. This Statute 3 *H.* 5. St. 2. cap. 6. as to Clipping and Washing is Repealed, 1 *Mar.* 1. cap. 1. § 3. N. 1. and a new Statute thereof made, 5 *Eliz.* 11. & 18 *Eliz.* 1. § N. but Authority is not given to Justices of Peace, by these Statutes, to inquire thereof, and therefore the putting this into the Commission is void, but by 3 *H.* 5. St. 2. cap. 7. it's ordained, That Justices of Peace through the Realm have power by the King's Commission to enquire of Counterfeiting, and of Importing of false Mony into the Realm, made in likeness of the Mony of this Land, and to Award a *Capias* only against them who are thereof Indicted before them; and this is declared to be Treason by 25 *Ed.* 3. St. 5. cap. 2. § 1. N. 5. *Dalt.* 19. cap. 1.

V. *Crumpt.*

V. *Crumpt.* 241. b. pl. 32. An Indictment against those who Counterfeit Money, *West. Symb.* 2. part 115. sect. 143.

Inquiratur pro Domino Rege si *R. W.* nuper de *H.* in Com' predict' *Somerset ff. Smith I. L. &c. & T. B. &c.* deum præ oculis suis non habentes, sed instigatione Diabolica Seducti, Machinantesq; dictum Dominum Regem & populum suum callidè, falsò, deceptivè & proditoriè decipere, & defraudare 12 die *Martii*, An' Regni, &c. Sex pecias monetæ apud *B.* predict' in Com' predict' de cupro, & aliis mixtis Metallis, ad instar & ad similitudinem, bonæ, legalis, & current' monetæ, & cunei dicti Domini Regis hujus Regni sui *Anglia Angliæ* vocat' *Shillings*: nec non duas pecias è cupro, ære, & aliis mixtis Metallis, ad instar & similitudinem bonæ, legalis, & current' monetæ, & cunei Auri dicti Domini Regis Regni sui *Anglia Angliæ* vocat' *half Sovereigns* falsò & proditoriè fabricaverunt, cuderunt, & contrefecerunt, ac quidam earundem peciarum, sic ut præmittitur falsò & proditoriè fabricat' cufas, & contrefact' diversis ligeis dicti Domini Regis, pro vera legitima & current' monetæ hujus Regni *Anglia* apud *B.* predict' & alibi in dict' Com' *Somerset*. Postea deceptivè, falsò, & proditoriè exposuerunt, solverunt, & utteraverunt in magnum prejudicium, fraudem, & deceptionem ligeorum dicti Domini Regis. ac contrà pacem ejusdem Domini Regis, Coronam, & Dignitatem suas, &c. nec non contrà form' diversorum Statutorum in hujusmodi casu edit' & provisorum, *West. Simbol* 2. Part 114. b. Sect. 142, 143.

VI. *Crumpt.* 242. pl. 33. alio modo. *West. Symb.* 2. Part 115. Sect. 144.

Inquiratur pro Domino Rege si *H. H.* nuper de *B.* in Com' predict' *Somerset ff. Taylor*, deum præ oculis suis non habens, sed instigatione diabolica seduct' ut proditor dicto Domino Regi 5 die *Maii* Anno Regni, &c. sexdecem peceas monetæ vocat' *shillings*, de falso & mixto metallo ad instar cunei hujus Regni *Anglia* vulgariter vocat' *King James shillings*, apud *B.* predict' in Com' predict' falsò, felonice, & proditoriè contrefecit, fabricavit, & cunavit contrà pacem, &c. *West. Simbol* 2. Part 115. Sect. 144.

VII. *Crumpt.* 242. pl. 34. An Indictment against him that counterfeited Gold, and exposed it, *West. Simb.* 2. Part 114. b. Sect. 145.

Inquiratur pro Domino Rege si *H. A.* nuper de *B.* in Com' predict' *La Staff. ff. Louver*, & *T. S.* nuper de *T.* in Com' predict' *Labourer* 10 die *Æt.* Anno, &c. & diversis aliis diebus & vicibus, tam antea quam postea, deum præ oculis suis non habentes sed instigatione diabolica seducti, machinantesq; dictum Dominum Regem, & populum suum callidè, falsò, deceptivè, & proditoriè decipere & defraudare de injuria sua propria absq; Autoritate Warrant' sive concessione Regiæ Majestatis eis aut eorum alteri concessio, octo pecias falsæ monetæ ad imaginem & similitudinem peciarum monetæ Auri *Angl'* vocat' *Golden Sovereigns of 10 s. a piece* apud *M.* in Com' pred' pro iniquo lucro & advantage è cupro falsò & proditoriè deauravit, & easdem peceas falsò & proditoriè sic ut præmittitur fact' fabricat' contrefact', & cunat' diversis ligeis dicti Domini Regis pro vero, legitimo, & current' Auro dicti Domini Regis Regni sui *Anglia* apud *M.* predict' in Com' predict' 20 die *Octob'* Anno supradict': ac diversis diebus antea & postea deceptivè, falsò, & proditoriè exposuerunt & utteraverunt in solutionem diversis ligeis dicti Domini Regis, necnon contrà form' diversorum Statutorum in hujusmodi casu edit' & provisorum, &c. *West. Simb.* 2. Part 115. b. Sect. 145.

Mortuary, see *Tytbes*.

Multiplication, see *Money*,

Murder, see *Coron*.

Navy, see *Admiral*.

News, see *Slander*.

Next Justice, see *Justices*.

Nets, see *Fish*.

Night, see *Dayes*,

Night walkers, see *Coron*.

Noble and Nobility, see *Dignity*.

Non sane Memory, see *Infant*.

### ( *Nofme and Name.* )

*Addition, alias dictus.*

I. *Lamb.* 427. If any Sheriff, &c. hath returned any Juror without the true addition of the place of his abode at the time of that Return, or within a year next before, or without some other addition by which that Juror might well be known, and Estreats of Issues be gathered, on such, &c. shall be enquired in Sessions, 27 *Eliz.* 7. §. N.

II. *Lamb.* 479, 480. In all Presentments before Justices of the Peace the Name, Mystery, Sur Name, and addition of the Party Indicted, and of the Person to whom the Offence was done is requisite, 1 *H.* 5. 5. §. N.

III. *Lamb.* 481. Baron, Knight, Esquire, Gentleman, Alderman, Widow, Single-Woman, Dean, Arch-Deacon, Parson, Doctor, Clerk, Parish-Clerk, are good additions of Estate or Degree, as I take it, within the meaning of this Statute of Additions, 1 *H.* 5. 5.

IV. *Lamb.* 481, 482. Also by the Statute 1 *H.* 5. 5. The Addition ought to comprehend the County, and the Town or Hamlet whereof the Party is, or was, (or the place known out of any Town or Hamlet:) But if he be named of a place known, and the place be within a Town, then he must be named of the Town, 35 *H.* 6. 30. and if both the Town and Parish do bear one Name, he may be named of the one, or of the other of them: but if there be two Towns in one Parish, then he ought to be named of the Town, and not of the Parish, *L.* 5 *Ed.* 4. 129. & 22 *Ed.* 4. 2. 22 *H.* 6. 41.

V. *Lamb.* 482. As for the *alias Dictus* which is often put in the Addition, the use thereof is chiefly in Writs grounded upon Specialties, and to make the writ and writing to agree; for as touching Indictments, if the Party be not well named, both for his name of Baptism, Sur-Name, Mystery or degree and place at the first, then cannot the *alias dictus* make that good which was evil before.

VI. *Lamb.* 482, 483. And it appeareth, 1 *Ed.* 4. 2 & 2 *Ed.* 4. 16. that the Addition of the Degree or Mystery must alwayes be such as the Party hath at the very time: but the Addition of the Place may be of such where he was at any time before: so that then the word *nuper* be used with it.



VII. *Shepherds Clerks Cabinet, 125.* An Indictment for acknowledging a Recognizance of the Peace in the Name of another without his Privy, on 21 Jac. 26. § 2. N. 1.

**J**uratores pro Domino Rege super Sacrament' suum presentant quod A. B. de Derby ff. C. in Com' D. predict' Gener' x die &c. Anno Regni &c. apud S. in Com' predict' venit coram J. H. Armigero uno Justiciar' Domini Regis nunc ad Pacem in Com' predict' conservand' assignat', & tunc & ibidem coram prefato J. H. in nomine cujusdam R. P. Armig' quandam recognitionem pro Consecratione Pacis dicti Domini Regis in summa xx libr' Sterling, dicto Domino Regi nunc absque Notitia aut Consensu predicti R. P. felonice recognovit contra formam Statuti, &c.

2. *Quære*, for on Thursday 25 Apr' Anno 1677. at the Old Bailey it was doubted by some Justices, if such a Recognizance were Felony within the Statute 21 Jac. 26. § 2. N. 1. because the Recognizances there are Joyned with Fines, Recoveries, Inrolements and Judgments, which are the acts of Superior Courts, and because by 21 Jac. 8. § 5. N. 1. false Sureties are only punished at discretion.

( Notice. )

Proclamation.

I. **L** Amb. 31. None shall be assigned Justice of the Peace if he have not xx l. per Annum, and if any be otherwise appointed, he shall within a Month after notice of the Commission, and under the pain of xx l. and to be put out of Commission, give knowledge of his not having xx l. per Annum, to the Lord Chancellor who shall put another Person sufficient in his place, 18 H. 6. 11. §. N.

II. *Lamb. 68, 69.* This determination of the old Commission of the Peace groweth not immediately by the making of a new Commission, but either after the reading or proclaiming of the new Commission of the Sessions of the Peace, or at the full County: or else by holding of some open Sessions by vertue of the new Commission, in all which Cases the old Commissioners must take notice of the new Commission, or else after the giving of Notice of the new Commission unto the old Commissioners; for otherwise all the mean acts of the old Commissioners be good in Law, by *Marrow* and 34 Aff. 28. Commission, Br. 14. & 21 H. 6. 29.

( Nuisance. )

I. **C** Rumpt. 66. A man Levies a Gorse in his Land or other thing to the Nuisance of my Land, I can enter with divers peaceably into his Land and oust that Gorse, &c. *Dalt. 220. Cap. 86.*

II. *Dalt. 220. Cap. 86.* Every private man to whose House or Land any Nuisance shall be Erected, made or done, may in peaceable manner Assemble a meet Company with necessary Tools, and may remove pull or cast down such Nuisance, and that before any prejudice received thereby, and for that purpose if need be, may also enter into the other mans ground, Nuisance. Br. 14 33.

## ( Oath. )

I. **L** *Amb.* 52. Upon this Ground (*viz.* on all Christian Laws, &c.) 13 *Rich.* 2. 7. §. N. which willed that Justices of the Peace should be made of new in all the Counties of *England*, did there withal take order that they should be sworn to keep and put in Execution all the Statutes touching their Office, which albeit that it be the first Oath that I find to have been ministred to Justices of the Peace, yet I think they were neither unsworn before, nor at any time after, as may be Collected upon 21 *Ed.* 4. 67. & 12 *Ed.* 4. 18.

II. *Lamb.* 52. I believe also that the manner of the Oath was devised, but for that time only and continued not long in that Form, as being of it self very general and hard to be observed, and that happily was the Cause that it was afterward changed to that Form which Mr. *Fitz-berbert*, 18. in his Book hath left us, *Crompt.* 10. *ab.* and which with the alteration of a few words only is yet at this day kept in use.

III. *Lamb.* 52, 53. For upon the renewing of the Commission of the Peace, which now adayes happeneth as often as any Persons is newly brought into the same, there cometh of Course a Writ of *dedimus potestatem* directed out of the *Chancery* to some Ancient Justice of the Peace, to take the Oath of him whose Name is newly Inserted, and to certifie the same into that Court at such day as the Writ commandeth.

Thus,

**C**arolus, &c. Dilectis & fidelibus nostris *Robert Hitcham Milit' & Nich' Rivet Armig'* salutem, sciatis quod dedimus vobis conjunctim & divisim Potestatem & auctoritatem recipiendi Sacrament' dilecti & fidelis nostri *Richardi Keble Armig'*, unius Custod' pacis nostræ in Com' nostro Suff. de officio illo bene & fideliter faciend' juxta form' cujusdam Schedulæ huic Brevi nostro annex' ac Sacrament' specificat' in quodam Actu Parliament' Anno Regni Domine Eliz. nuper Reg' Angl. primo fact' cujus tenor presentibus similiter est annex', & ideo vobis mandamus quod Sacramenta predicta recipiatis, vel unus vestrum recipiat, & cum illa sic receperitis nos inde in Cancellariam nostram sub sigillis vestris vel unius vestrum, distinctè & aperte, sine dilatione reddatis certiores vel unus vestrum reddat, hoc Breve nobis remittentes teste me ipso apud Westminst' &c. Die &c. Anno, &c.

*The Return of the Ded' potestat' Endorse.*

Executio Istius Brevis patet in quadam Scheda huic Brevi annexat'.

**D**omino Regi in Cancellario certificamus quod virtute istius Brevis nobis direct' xxvi. die Septembr' infra script' apud Gippum in Com' Suff. infra script' recepimus Sacrament' infra nominat' *Richardi Keble* juxta tenorem & formam Scedularum huic Brevi annex' quas quidem Schedulas una cum hoc Breve Domino Regi in Cancellariam suâ sub Sigillis nostris remittimus secundum exigentiam Brevis Istius.

Responf. { *Robert' Hitcham Militis,*  
              { *Nich' Rivet Armig'.*

Or thus,

**D** *Alt. 397. Cap. 129.* Ego *M. D.* in Cancellar' Domini Regis certifico me virtute Brevis Domini Regis huic Scedulæ annexat' x die mensis Decembr. Anno Regni dicti Domini nostri Jacobi &c. xix apud West Wralling in Com' Cantabr' recepisse Sacrament' Johannis Miliffent militis, in Brevi predict' nominat' tam de officio Custodis pacis dicti Domini Regis in dicto Com' Cantabr' bene & fideliter faciend' juxta formam Scedulæ Brevi predict' annexat' similiter & in omnibus prout in predicto Brevi precipitur. In cujus rei testimonium, &c. Mich' D.

IV. *Lamb. 53.* This Writ of *ded' potest'* is now accompanied with two Schedules, whereof the one contains the Oath of the Office of a Justice of Peace in this Form,

*Kilb. Presidents, 2 Edit. 231.*

Ye shall Swear, that as Justices of the Peace in the County of *K.* in all Articles in the Kings Commission to you directed, ye shall do equal right to the Poor and to the Rich after your Cunning, Wit and Power, and after the Laws and Customs of this Realm and Statutes thereof made. 2. And you shall not be of Council of any Quarrel hanging before you. 3. And that ye hold your Sessions after the form of Statutes thereof made. 4. And the Issues, Fines and Amerciaments that shall happen to be made, and all Forfeitures which shall fall before you, ye shall cause to be Entred without any Concealment or Embezelling, and truly send them to the Kings Exchequer. 5. Ye shall not let for gift or other Cause, but well and truly you shall do your Office of Justice of the Peace in that behalf, and that you take nothing for the Office of Justice of the Peace to be done but of the King, and Fees accustomed, and Costs limited by the Statute. 6. And ye shall not direct nor cause to be directed any Warrant by you to be made to the Parties, but ye shall direct them to the Bayliffs of the said County or other the Kings Officers or Ministers, or other Indifferent Persons to do Execution thereof. *So help you God.*

V. *Lamb. 56.* There hath been care taken once or twice in our Memory to exact this latter Oath (*viz. of Supremacy*) of all the Justices of Peace throughout the Realm, whereof some good hath Ensued; but yet many a Justice there is, that by Indirect practice never took either this or the former (*viz. of Allegiance*) whereof what harms do and may grow, I leave to wiser and higher men to be considered; adding this only, That it would Avail greatly to the furtherance of the service, if the *Dedimus potestatem* to give these Oaths were Dirigible to the Justices and none other, to minister the same not elsewhere, but in their open Sessions.

VI. *Lamb. 212.* They which take Informations of Felonies, &c. without any Oath do say the Makers of 2 & 3 *Ph. & Mar. 10. §. N.* had they intended so, would express it, &c. But they that examine upon Oath strongly defend it by Example of the Justices of higher Courts, &c. and because an Oath is Evidence in Case of Death, &c.

VII. *Lamb. 83, 84.* The Peace being for good cause required, it is the common manner to exact an Oath of the Party, whereby the Justice may be the better Informed and led to think that he doth not ask it for malicious vexation of another, but of very fear and for the needful safety of himself and his; and *F. N. B. 79. H.* laboureth to shew, that the Justices of the Peace ought not without such Oath to grant this Surety at the suit of any Man, forasmuch as not only the Judges of *B. R.* do yet take an Oath in such Case, but the Ancient Course of the Law was such in the *Chancery* it self also, although it be now adayes otherwise used there, *Infra. 11.*

VIII. *Lamb. 100.* By *Marrow*, for the avoiding of which deceit of Insufficient Security of the Peace the Justices of *C. B. 7 H. 6. 25. pl.* did examine the ability of the Sureties upon their Oaths, &c.



Swearing.

IX. *Kilb. Presidents*, 207. A Warrant to pay 1 s. for Swearing in presence of a Justice of Peace, on 21 *Jac.* 20. §. N.

*To the Constable, &c.*

Kent. ff.

**F**Orasmuch as *A. B.* of *Esc.* in the County aforesaid, *Butcher*, being of above the Age of Twelve years, did in my hearing this present day in the Parish aforesaid, in the County aforesaid, prophanely swear one Oath, for which Offence he forfeited and was to pay to the use of the Poor of the Parish the Sum of xii *d*; These are therefore in his Majesties Name, to command you, to Levy to the use of the Poor of the said Parish the aforesaid xii *d*, by Distress and Sale of the Goods of the said *A. B.* rendring to him the overplus; and in defect of such Distress, that you the said Constable do set the said *A. B.* in the Stocks by the space of three whole hours; hereof fail not, *Esc.* Given under my Hand and Seal this Tenth day of, *Esc.* in the year of, *Esc.* at *Esc.* in the said County, *Esc.*

Constable.

X. *Kilb. Presidents*, 233. The Oath of a Constable, *Dalt.* 9. p. 363. 364.

You shall well and truly serve the Kings Majesty in the Office of a Constable of the Parish of *A.* 2. And all Commissions, Precepts, and Warrants, that are directed to you, and shall come to your hands, you shall to the best of your power cause to be duely and truly Executed. 3. All Riots and Misdemeanors and breach of the Peace you shall suppress. 4. You shall punish all Rogues, Vagrants and Idle Persons according to the Laws of this Land in that Case made & provided. 5. You shall diligently persue all *Hue and Cryes*. 6. You shall see that the Kings Majesties Watch within the said Town of *A.* be duely and truly set according to his Majesties Laws. 7. You shall also do your best endeavour to suppress Drunkenness within the said Parish, and to see the Laws and Statutes concerning the same to be duely put in Execution. 8. And all other things belonging to the Office of Constable, so long as you shall continue in your Off, you shall well and truly perform and do so near as you can. *So help you God.*

Peace.

XI. *Kilb. Presidents*, 233, 234. The Oath of him that Craves the Peace against another, *suprà* 7.

You shall swear that the Surety of the Peace which you crave against *A. B.* is not for hatred or malice which you bear him; but for safety of your body from harm, which you fear he will do or procure to be done unto you, *So help you God.*

2. Or thus; You shall swear that the Surety of the Peace which you crave against *A. B.* is not of any private malice, hatred or evil will; but meerly that you are afraid of your life, or the hurting or maiming of your Body, or the burning of your Houses. *So help you God.*

Proof.

XII. *Kilb. Presidents*, 234. The Oath to Informers or Witnesses.

The Information that you shall give on the Kings Majesties behalf against *A. B.* shall be the truth, the whole truth, and nothing but the truth. *So help you God.*

2. You shall true Answer make to all such Questions as by me shall be demanded of you. *So help you God.*

Imprisonment.

XIII. *Kilb. Presidents* 2 *Edit.* 235. A *Mittimus* for refusing the Oath of Allegiance.

Whereas

**W**Hereas *A. B.* and *C. D.* two of his Majesties Justices of the Peace Kent ff. for the said County of *K.* whereof *A. B.* is of the *Quorum*, do hereby Commit to your Custody the body of *E. F.* for refusing to take the Oath of Allegiance, requiring you to take and safely in Prison to keep him till he shall be delivered by due Course of Law; and for so doing, this shall be your Warrant. Given under our Hands and Seals this Second day of *June*, in the year of, &c.

2. *Ibid.* The Oath of Abjuration on 35 *Eliz.* 2. § 8. N. 4. *Stamf.* 119. *Exile.* *Wilkinsons* Sheriff, 40. The Laws, &c. 138. *Abr.* pl. 135.

You shall swear that you shall depart out of this Realm of *England*, and out of all other the Kings Majesties Dominions; and that you shall not return hither or come into any of his Majesties Dominions, but by the License of our said Sovereign Lord the King, or of his Heirs. *So help you God.*

XIV. *Kilb.* Presidents 2 *Edit.* 236. The Oath of an Under Sheriff and Bayliff touching Juries on 27 *Eliz.* 12. § 2. N. 3.

*I A. B.* do swear, That I shall not use or exercise the Office of &c. Corruptly, during the time that I shall remain therein; neither shall or will accept, receive or take by any Colour, means or device whatsoever, or Consent to the taking of any manner of Fee or Reward of any Person or Persons for Impannelling or Returning of any Inquest, Jury or *Tales* in the said Court for the King, or betwixt Party and Party, above 2 s. or the value thereof, and such Fees as are allowed and appointed for the same by the Laws and Statutes of this Realm; but will according to my power truly and Indifferently with convenient Speed Impannel all Jurors, and return all such Writ or Writs touching the same, as shall appertain to be done by my Duty or Office during the time that I shall remain in the said Office. *So God me help.*

2. *Jurat' ad utraque Sacrament' (viz. this and the Oath of Supremacy) supradict' x die Maii Anno 1680. Coram nobis A. B. & C. D. de quibus A. B. est quorum unus &c.*

XV. *Kilb.* Presidents, 2 *Edit.* 238. The usual Oath of Church-wardens. Church-wardens.

You shall Execute the Office of Church-warden in the Parish where you are Chosen for this Entuing year, according to his Majesties Laws Ecclesiastical now in force. *So help you God.*

2. Or thus, You shall Execute the Office of Church-warden in the Parish where you are Chosen, according to your discretion and Skill in his Majesties Ecclesiastical Laws of this Realm now in Force. *So help you God.*

XVI. *Kilb.* Presidents. 2 *Edit.* 239. 24. The Oath of an High-Constable. Constable.

You shall swear, That you shall well and truly serve our Sovereign Lord the King in the Office of High Constable of the Hundred of *A.* 2. You shall see and cause his Majesties Peace to be well and truly kept and preserved according to your Power. 3. You shall Arrest all such Persons as in your sight and presence shall Ride or go Armed offensively, or shall Commit or make any Riot, Affray, or other breach of his Majesties Peace. 4. You shall do your best endeavour upon Complaint made, to apprehend all Felons, Barretors & Rioters, or Persons Riotously assembled; and if any such Offenders shall make Resistance with Force, you shall levy Hue and Cry, and shall pursue them until they be taken. 5. You shall do your best endeavor that the Watch in and about your Hundred be duly kept for the Apprehending of Rogues, Vagabonds, Night-walkers, Evee-droppers, Scouts and

and other suspected Persons, and of such as go Armed, and the like. 6. And that Hue and Cry be duely raised and perfued according to the Statute of *Winchester* (13 *Ed.* 1. St. 2. Cap. 1. &c.) against Murtherers, Thieves and other Felons. 7. And that the Statutes made for punishment of Rogues and Vagabonds, and such other idle Persons as come within your Bounds and Limits, be duely put in Execution. 8. You shall have a watchful Eye to such Persons as shall maintain or keep any Common house or place where any unlawful Games is or shall be used; as also to such as shall frequent or use such places, or shall use or Exercise any unlawful Games there or elsewhere contrary to the Statutes. 9. At your Assizes, Sessions of the Peace or Leet, you shall present all and every the Offences done contrary to the Statutes (made 1 *Jac.* 4 *Jac.* 21 *Jac.* &c.) to restrain the Inordinate haunting and Tipling in Inns, Ale-houses and other Victualling-houses, and for repressing of Drunkenness. 10. You shall there likewise true Presentment make of all Blood-sheddings, Affrayes, Outcries, Rescues and other Offences committed or done against the Kings Peace within your Limits. 11. You shall once every year during your Office present at the Quarter-Sessions all Popish Recusants within your Liberty, and their Children above Nine years old, and their Servants, (*scil.* *their Monthly absence from Church*, 3 *Jac.* 4. §. N.) 12. You shall well and truely Execute all Precepts and Warrants to you directed from the Justice of the Peace of this County, or higher Officers. 13. You shall be aiding to your Neighbours against unlawful purveyances. 14. In the time of Hay or Corn Harvest, upon request, you shall cause all Persons to meet to serve by the day for the Mowing, Reaping or getting in of Corn or Hay. 15. You shall in *Easter Week* cause your Parishioners to chuse Surveyors for the mending of the High-ways in your Parish or Liberty. 16. And you shall well and truely according to your knowledge, power and ability, do and Execute all other things belonging to the Office of Constable, so long as you continue in the said Office. *So help you God.*

Oats, see Corn.

Obedience, see Oath and Pope.

Obligation see Recognizance, Bail.

Office of the Justice, see Justices.

### ( Officer. )

I. *Lamb.* 424. Enquiry at Sessions if any Ordinary, Arch-deacon, Official, Sheriff, Escheator, Coroner, Under-Sheriff, Bayliff, Goaler or other Officer, have by colour of his Office, or for doing his Office, taken a greater or more excessive Reward or Fee then belongeth to him, or have taken any Fee or Reward for Expedition in doing his Office, or have unlawfully exacted any Oath or other undue thing.

II. *Lamb.* 431. Enquiry in Sessions if any Officer have in any Town taken Scavage or Shewage; that is to say, any thing for the shewing of Ware or Merchandize that be truely accustomed to the King before. 19 *H.* 7. 8. §. N.



Oyles, see *Merchants, Measures*  
 One Justice, see *Justices.*  
 Oppression, see *Fees.*  
 Omission, see *Amendment.*  
 Orchards, see *Trespas.*  
 Orders of Sessions, see *Justices.*

( Ordinary. )

*Ecclesiastical Persons, Clergy.*

I. *Lamb.* 4. *Cap.* 3. *pag.* 391. But the Ordinary oweth not his attendance at any Sessions of the Peace, as he doth at every Goal Delivery, in the opinion of Mr. *Marrow.* Indeed he is not warned by the Common form of Precept, and therefore cannot so conveniently take knowledge of the Sessions of the Peace; howbeit I think he ought to serve when he shall be called for matter of Clergy.

II. *Lamb.* 543. The Justices of Peace may give Clergy to a Felon, if the Ordinary or his Deputy be present to take him; but if they be absent, he must be reprieved, because, as *Marrow* saith, these Justices can set no Fine upon the Ordinary for his absence, no more then if he will accept one to read as a Clerk, wherein truth he cannot read at all. Clergy, *Br.* 7. but if you look on *Stanff.* 2. *Cap.* 25. *fol.* he will perswade you that the Ordinary is not the Judge, but a Minister in the Tryal of Clergy; and that Clergy may lawfully be given and allowed in his absence. So *Poult. de pace,* 214. *pl.* 36. &c.

III. *Lamb.* 544. *Marrow* saith also, that if *Bigamy* that ungodly and Popish Counterplea had been alledged against one that prayed his Clergy, the Justices of Peace could not have written to the Ordinary to certifie the same.

IV. *Lamb.* 580. And the Clerk of the Peace must also deliver unto the Ordinary a transcript of Clerks Convicted or attainted before the said Justices, 34 *H.* 8. 14. § 2. N. 1: but enquire whether this be needful at this day, by reason that Clerks be not now delivered to the Ordinary, by 18 *Eliz.* 7. §. N. *Poult. de Pace,* 217. *pl.* 43.

Overseers, see *Poor.*  
 Ouster le mere, see *Merchants.*  
 Pannels, see *Inquest.*

( Pardon. )

I. *Lamb.* 552. If a General Pardon by Parliament of all Persons make special Exception of some, then must the Prisoner alledge that he is none of those that be excepted, unless the Act it self do say that he shall be holpen by it without any such pleading. 11 *H.* 4. 39. *Stanff.* 103. *Crumpt.* 115. *b.* § 13.

II. *Lamb.* 552. Touching this sort of Pardon, &c. the Servant that had killed his Master was Indicted of voluntary Murther, without *proditorie*,  
 M m m and

and was thereupon Arraigned and found Guilty; but because the Offence was Petty Treason indeed, and Petty Treason was then Pardoned by Parliament (5 Eliz.) tho Murder was therein excepted, Justice *Welsh* thought it meet to reprieve the Prisoner, without giving Judgment upon him. *Dyer* 235. pl. *Crumpt.* 115. § 9.

Relation.

III. *Lamb.* 552. A man stroke another in February, (13 Eliz.) whereof he died in June next following, in which mean while all Felonies, Offences, Injuries and Misdemeanors were pardoned by Parliament; and he was discharged by that Pardon, because the stroke was the Offence against the Queen, and that was past and pardoned, though the death did afterwards ensue upon it. *Com.* 401. *Crumpt.* 116. § 20.

Utlary.

IV. *Lamb.* 552, 553. One that had committed Man-slaughter was Indicted of Murder, and thereupon Utlawed; afterward the Parliament pardoned all Offences, &c. except Persons Utlawed or Attainted of Murder; the Party reverfeth the Utlary, and then is Arraigned of Man-slaughter: it was much doubted, whether he should be discharged by the Pardon, because the persons Utlawed were excepted; whereas if the Offences only had been excepted, it would have made no great Question, 29 Eliz. Report. *Crumpt.* 116. § 17.

Pleading.

V. *Lamb.* 553. The special Pardon ought to be pleaded under the Great Seal of England, for that Authority which some Subjects in Ancient time had to grant Pardon, is resumed by 27 H. 8. 24. §. N. *Stanff.* 104. b. *Crumpt.* 115. b. § 15.

Non obstante.

VI. *Lamb.* 553. And with this special Pardon the party ought to bring a Writ of Allowance, testifying that he hath found Sureties for his Good Port, according to 10 Ed. 3. 2. §. N. howbeit that matter is many times dispensed withal, by means of a *Non-Obstante* that may be put into the Pardon *Coron.* 502. *Stanff.* 101. 104. *Crumpt.* 115. b. § 15.

Various.

VII. *Lamb.* 553. If the Pardon doth agree with the Indictment as well in Name, Sur-Name and addition of the Party, as also in the point of the Offence that is to be Pardoned, then is there nothing to be said against it; but if the Pardon be of all Felonies, that will not discharge him of Petty Treason nor Murder at this day, except it contain them in special words, although before 13 Rich. 2. St. 2. Cap. 1. such a Pardon was Available enough for them, *Crumpt.* 115. b. § 14. & fol. 16. § 18.

Attainder.

VIII. *Lamb.* 554. Neither is such a special Pardon of all Felonies, sufficient to save the Life of him that is attainted of Felony, unless it have words to pardon the Attainder and Execution. 9 Ed. 4. 29. *Ch. de pardon.* Br. 23. no more then the Pardon of the Attainder and Execution will deliver him without words to pardon the Felony it self. 8 H. 4. 21. So where the Party is abjured for the death of a Man, the Pardon must of necessity carry words of Abjuration. *Coron.* 124. *Crumpt.* 115. § 1, 2, 3. *Dalt.* 242. Cap. 93.

Joinder.

IX. *Lamb.* 554. If the King do Pardon to a Goaler the Escapes of Prisoners being in his ward for Felony or Treason, that shall extend to negligent Escapes only, and to none other, *Grants* 37. 3 H. 7. 15. *Grants* Br. 51. So if he Pardon two Men all Felonies done by them or any of them, that will not serve them apart, because the first words be Joynt and not several; whereas all Felonies be of themselves several 22 Ed. 4. 7. For in these and like Cases howsoever the favor of Life may desire liberal Interpretation, yet forasmuch as the Offence is against Law, the Grace and Dispensation of the Prince may not be straitned beyond the words. *Crumpt.* 115. b. § 9.

Marriage.

X. *Crumpt.* 115. § 4. Bigamy is objected against him that prayeth Clergy, and after he sheweth a Charter of Pardon, and because it made no mention of Bigamy, the opinion of the Court was, the Pardon was not Good. 11 H. 4. *Ch. de pardon.* 16.

XI. *Crumpt.* 115. § 5, 6. The Husband is kill'd by his Wife, and the King <sup>Bar. & Feme.</sup> pardons her all Treasons; the Son shall be Barred of the Appeal, by *Stanff.* 59. who saith, that he hath heard it was so adjudged: by the Statute 22 *H.* 8. 9. §. N. it was made High Treason in the Wife to poyson her Husband, and after by General Act of Pardon that Offence was pardoned; and it was moved, if the Heir of the Husband shall have an Appeal of Murder which was at Common Law, or whether the same Offence of Murder is Drown'd in this that is made High Treason? and the opinion of the Justices was, as *Dyer* heard, that the Appeal is not maintainable. *Dyer* 50.

XII. *Crumpt.* 115. *b.* 116. *a.* § 16. One who had a Pardon for Utlary of <sup>Peace.</sup> Felony, was after the Pardon Indicted of Trespass, and had made a Fine; and because this is a Confession of the Indictment, and it appears to the Court that he had broken the Peace since the Pardon, the Court adnulled the Pardon. 3 *H.* 7. 6. and the party was Executed on the first Attainder; and this by 10 *Ed.* 3. 3. §. N. *Dalt.* 242, 243. Cap. 93.

XIII. *Crumpt.* 116. §. 17. A Man committed Man slaughter, and after is Indicted of Murder for it, and thereupon he is Utlawed, and after there is a General Pardon given by Parliament, except all Persons Utlawed or Attaint of any Murder; and after the said Utlary was reversed, the Question is, if the Party be discharged by this General Pardon? and some said that its no discharge, because the Person Utlawed, &c. is excepted, and so is except from the Pardon Generally; but if it had excepted the Offence as excepting all Murders, without saying except the Pardon shall be discharge, this matter was in *B. R. Trin.* 29 *Eliz.* and it was the Case of one *Freeman*, who had kill'd one *Shaw*, as I heard, and the said *F.* being Arraigned of Manslaughter for killing the said *S.* would have had the benefit of the said General Pardon; and thereupon it was adjourned until *Mich.* 29 *Eliz.* Quere the end. *Lamb.* 552. <sup>Utlary.</sup>

XIV. *Lamb.* 532. But if the Prisoner plead a Pardon before the Justices, <sup>Pleading.</sup> in which certain persons be excepted, and the Kings Attorney is not present to joyn Issue, that he which pleadeth this, is one of those that be excepted, then they themselves may supply the Office of the Attorney in that behalf. 8 *Ed.* 4. 7.

Parishes, see Poor.

Parliaments, see Statutes.

Parks, see Forest.

Parson, see Encumbent, Ecclesiastical Persons.

Partridges, see Fowle.

Pain, Punishment, Penalty, see Forfeiture.

Paving, see Ways.

### (Peace.)

Surety of the Peace, Bail, Force, Riot, Affray.

**F.** N. B. 79. G. The Writ de securitate pacis in Chancery. *Rex Vice-Ball.*  
com' L. salutem. Quia A. de B. nobis Graviter conquestus est quod C.  
ei de Corpore suo manifeste minatus, tibi precipimus quod eidem A. de prefat'  
C. firmam pacem nostram secundum consuetudinem Angliæ habere faciatis: Ita  
quod securus sis quod eidem A. de Corpore suo per prefatum C. vel per procura-  
tionem suam, Damnum vel periculum non Eveniat, teste &c. Or thus; de Incen-  
dio



*dio Domorum suarum manifestè minatur tibi precipimus &c. Ita quod &c. Eidem A. de Domibus suis predictis per huiusmodi Incendium, Damnum, &c.* And he may have the Writ for Security of his Body, and of Burning his Houses in one Writ, and he may have an *Alias Pluries* and an Attachment against the Sheriff, if he doth not do his Office.

Oath.

II. *F. N. B. 79. H.* But by the Ancient Course of Law, he must swear upon a Book before he can have this Writ; and this before any Master of the Chancery, but now they use to prosecute such Writs by their Friends who will Sue for them, without making any Oath; and this is ill done, because they are many times sued for vexation, more then for any good Cause: and the Justices of *B. R.* will not grant any Writ for Surety of the Peace, without making an Oath that he is in fear of bodily harm. Nor the Justices of the Peace ought not to Grant any Warrant to cause a man to find Surety of the Peace, at the request of any Person, unless the Party who requireth it, will make an Oath, that he requireth it for safety of his Body, and not for malice, &c. *Lamb. 83. 84. Infra 21.*

III. *F. N. B. 80. C.* But it is a Common opinion, that the Surety that the Sheriff shall take of the Party that shall find Surety for the Peace, must be taken by obligation, that is to say, to oblige the Party and his Sureties by Obligation, that he keep the Peace, and that he shall not Burn the Houses, &c.

Supplicavit.

IV. *F. N. B. 80. C.* But now since the Statute 1 *Ed. 3. 16. §. N.* that wills that certain Persons shall be assigned in the Chancery, as for keeping of the Peace, there are other Forms of Writs made for the ease of the People who would have Surety of the Peace of any Persons; which Writs Issue out of the Chancery, and some are directed to the Justices of Peace and to the Sheriff, and some are directed to the Sheriff only, and these Writs are in such Forms as this.

*Rex dilectis & fidelibus suis J. &c. & sociis suis Justiciariis nostris ad pacem nostram in Com' S. Conservand' Assignatis salutem.* Or thus, *Custodibus pacis nostræ in Comitatu S. &c. & vicecom' ejusdem Comitatus & eorum cuilibet salutem.* Or thus, *Vicecom' S. salutem.* *Supplicavit nobis A. quod cum ipse de vita & mutilatione membrorum suorum, nec non de Incendio Domorum suarum per E. graviter & manifestè Comminatus existat, velimus pro securitate ipsius A. in hac parte provideri, nos supplication' predict' annuentes vobis (vel tibi) precipimus, firmiter injungentes quod predict' E. coram vobis (vel te) corporaliter venire faciat, & ipsum ad sufficientes manucaptos inveniend' qui eum manucapere voluerint sub certa Pæna sibi per te vel vos rationabiliter imponend' pro quo nobis respondere voluerint, vel volueris.* Or thus, *& Ipsum E. ad sufficient' securitat' inveniend' sub pæna centum librarum ad opus nostrum solvend' vel quilibet eorum sub pæna &c. quod ipse Damnum vel malum aliquid eidem A. de Corpore suo, vel de domibus suis per huiusmodi Incendium non faciat, nec fieri procurabit quovismodo, Compellatis vel Compellis, & si hoc coram vobis (vel te) facere recusaverit, tunc ipsum E. proximo Goal' nostræ Committatis vel Committas, in eadem salvo custodiend' quousque hoc gratis facere voluerit, & cum securitatem illam sic receperitis vel ceperis, nos inde in Cancellaria nostra sub sigillis vestris vel alicujus vestrum (vel sub sigillo suo) distinde & aperte sine dilatione reddas certiores, certificetis (vel certificetis) indilate hoc Breve nobis remittentes vel remittens.* *Registr. 89. Dalt. 182. Cap. 73.*

V. *Lamb. 2. cap. 11. pag. 75.* The Justice of Peace takes security as a minister when the Writ of *Supplicavit* (*F. N. B. 80. supra 4.*) which in old time was called *Breve de minis*, as *Registr. 89.* directed out of the Chancery, is delivered into his hands; for then he is only to direct his Precept to compel the party upon that Writ to find surety for the Peace, 21 *H. 7. 20 per finence.*

VI. *Lamb. 75, 76.* The form of which Precept or Warrant upon a *Supplicavit* is thus,

G. M. One of the Justices of Peace of our Sovereign Lord the King's Majesty within the County of *K.* to the Sheriff of the said Shire, the Constables of the Hundred of *W.* the Borsholder of the Town of *I.* and to all and singular the Kings Majesties Bayliffs and other Ministers, as well within liberties as without, in the said County, and to every of them, Greeting. Know ye, That I have received the Commandment of our said Sovereign Lord in these words, &c. (reciting the *Supplicavit*, or the effect of it, &c.) thus: Know ye, that I have received the Commandment of our said Sovereign Lord, to compel *A. B.* of *J.* in the said County, Yecoman, to find sufficient Surety for his Majesties Peace by him to be kept towards *C. D.* of the said Town of *J.* Taylor: and therefore on the behalf of our said Sovereign Lord I Command and Charge you joyntly and severally, that Immediately upon the receipt hereof you cause the said *A. B.* to come before me at my House in *I.* aforesaid, to find sufficient Surety and mainprise for the Peace to be kept towards our said Sovereign Lord and all his Liege-people, and especially towards the said *C. D.* and if he the said *A. B.* shall refuse thus to do, that then you him safely Convey, or cause to be safely Conveyed unto the next Goal of his Majesty in the said County, there to remain until that he shall willingly do the same: So that he may be before the Justices of the Peace of our said Sovereign Lord within the said County, at their next General Sessions of the Peace to be holden at *M.* there to answer to our said Sovereign Lord for his Contempt in this behalf: And see that you certifie your doing in the premisses to the said Justices at the said Sessions, bringing then thither this Precept with you. Given at *I.* aforesaid under my Seal the day of &c. *An. &c. Dalt. 350. cap. 121.*

VII. *F. N. B. 81. B.* And sometimes the Writ of *Supplicavit* is made Returnable in *Chancery* at a certain day; and if it be so done, then if the Justices do not certifie the Writ, nor the Recognizance, and the Surety that is taken, the party who sueth the Writ of *Supplicavit* shall have a Writ of *Certiorari* directed to the Justices of Peace to certifie this Writ of *Supplicavit*, and that which they have done thereon, and the surety that is found, &c. and so the party shall have such a *Certiorari* to the Justices of Peace to certifie the surety taken on a *Supplicavit*, though the writ of *Supplicavit* were not made Returnable in the *Chancery*.

VIII. *F. N. B. 81. C.* And so if a Man demands surety of the Peace in the County against any Man, he shall find himself sureties in the County before the Justices of Peace, &c. he that demands this surety may sue a Writ of *Certiorari* directed to the Justices of Peace, to remove this surety of the Peace and the Recognizance taken therein; and this under the Seals of the Justices or one of them, to certifie this Recognizance and surety taken: And if the *Certiorari* be sued upon a Writ of *Supplicavit*, then the *Certiorari* shall rehearse this Writ of *Supplicavit*; and if it be sued upon a surety demanded in the County without a *Supplicavit*, then the form of the *Certiorari* is thus.

*Rex Custodibus pacis suæ in Com' L. & eorum cuilibet salutem, volentes certis de causis Certiorari super tenorem cujusdam securitatis pacis nuper coram R. B. & Sociis suis custodibus pacis nostræ & Justiciariis nostris ad diversas Felonias, Transgressiones & Malesacta in Com' L. Audiend' & Terminand' Assignat' de R. de W. de E. quod ipse damnum vel malum aliquod B. de F. aut alicui populo nostro faciat nec fieri procurabit ex Officio vestr' capta, quæ quidem securitas penes vos residet ut dicitur, vobis Mandamus quod nos inde in Cancellaria nostra sub Sigillis vestris vel unius vestrum distinctè & aperte sine dilatione reddatis certiores hoc Breve remiscentes, teste. &c. Crumpt. 143, 144.*

IX. *F. N. B. 81. E.* By reason of this Commission of the Peace, the Justices have power to bind Men by Recognizance to keep the Peace, upon complaint to them made by any person; and yet to take this Recognizance there is no express Authority given them by the Commission, but of Congruity,

Recognizance

gruity, because that they have Authority to cause men to keep the Peace, and to hear and determine offences done against the Peace, they have power to bind men by Recognizance to do it; for every Act which they do by virtue of their Commission, must be taken as a matter of Record, *Crumpt. 141. b.*

Justices,

X. *Lamb. 77.* A Justice of Peace may also by virtue of his Office, and as he is a Judge, command this Surety to be found, and that either of his own motion and discretion, or else at the request and prayer of another: For he may cause a common Barretor, Riotor, one that maketh an Affray, or other person to him suspected, to find Surety of the Peace, 9 *Ed. 4. 3. per Curiam*: And if he see men contending in hot words, and threatening the one to hurt or kill the other, he may of discretion, and ought of duty, as I think, to command them to find Surety of the Peace, and thereby provide for their mutual safety, *Crumpt. 134. b. 135. b.*

XI. *Lamb. 78.* And if a man that was bound to keep the Peace have broken his Bond, the Justices of Peace ought of discretion to bind him of new, 21 *Ed. 4. 40. per Marrow, Crumpt. 141. infra 87.*

Conspiracy.

XII. *Lamb. 78.* And his Authority is so little to be controlled in this matter, that Mr. Marrow is of the opinion, That if a Justice of Peace should procure one man to demand Surety of the Peace against another, and he himself should grant a Warrant for it, by which the Party is Arrested, yet no Action would lye against that Justice for his so doing, because he might have granted it without any demand made, and then it shall not be said but that he saw Cause both to provoke the party to ask it, and for himself to grant it.

Bar. &amp; Fem.

XIII. *Lamb. 78, 79.* The Wife if she be threatned to be killed, or to be outrageously chastised by her Husband, may with good reason demand the peace against him, *F.N.B. 80. & 230.* and I do not doubt but that a Justice of Peace may in such a Case happening in his presence, Command it upon his own discretion: The Husband may also demand the peace against his own Wife in like Case, and any man may demand it against the Wife of another, by *Marrow, Crumpt. 133. b. Dalt. 163. cap. 68.*

Abillity

XIV. *Lamb. 79.* A man Attainted of Treason or Felony, or Convict of Hereſie, or Abjured, a Dumb Man, or an Infant, though within 14 years of age, or a Villain against his Lord, may demand and ought to have Surety of the Peace, by *Marrow*. And I do not find any strong reason why the Lord against his Villain, or another man against a Dumb-man that is not Deaf, or against an Infant above the age of 14 years, ought not upon good Cause to have it, though perhaps the two last cannot be bound for themselves, *Crumpt. 133. b. 134. b. Dalt. 164. cap. 68.*

Idcor.

XV. *Lamb. 79.* But a Mad-man shall not have surety of the peace at his own request, as Mr. Marrow thought, because he hath no discretion to ask it: and therefore if there be Cause, he ought to be provided for by the discretion of the Justices, as I think: Neither shall surety of the Peace be granted against a Mad-man, except he have *Lucida Intervalla, Dalton 163, 164. cap. 68.*

Attainder.

XVI. *Lamb. 80.* A man Attainted in a *Præmunire*, or that is an Alien born, and no Denizen, ought not to have his Surety at his desire, as Mr. Marrow taketh it; but perhaps he would have changed his opinion in the Case of *Præmunire*, if he had lived at this time, upon fight of 5 *Eliz. 1. § 21. N. 1.* For such a Man may not now be killed, as though he were out of the protection of the King, *Crumpt. 133. b. Dalt. 164. cap. 68.*

Alien.

XVII. *Lamb. 80.* And as touching the Alien having surety of the Peace, some think there ought to be a difference between such an Alien, as is of the Enmity of the King, and him that is of his Amity, for *Magna Charta, 9 H. 3. 30. 9 Ed. 3. 1. §. N. & 14 Ed. 3. St. 2. cap. 2.* and sundry other Statutes



tutes do all use that difference in Merchant-strangers, and do provide, That such of them as be not Enemies to the Realm, may both safely come into the Realm, and tarry here, and go hence at their free pleasures. But the Case may bear some doubt, because the Commission it self seemeth to Authorize the Justice of Peace no further then to provide for the King's People, of which number no Alien seemeth to be; but why any Alien may not be bound to the Peace, I do not yet understand, *Crompt. 134. ab. Dalt. 164, 165. cap. 68.*

XVIII. *Lamb. 80, 81.* Furthermore, one Justice of Peace, saith Mr. *Marrow*, may grant this surety to any man against one of his Fellow-Justices; but, as Mr. *Marrow* requireth a discretion in a Justice of the Peace, when surety is craved of him against a Sheriff, Coroner, Escheator or such other Officer whom he wisheth not to be bound to keep the Peace *Versus Cunctum Populum*, but only towards him that prayeth it, lest otherwise it should argue them to be unworthy of such Offices; so much more he ought to use good discretion in granting it against his Fellow-Justice, lest otherwise he both bring the Office in contempt, and himself to reproof by it: But I doubt not that one Justice of the Peace, if he will, may pray surety of the Peace at the hands of his Fellow-Justice against another person, and the Recognizance may then be according to the Common Form with *¶ Precipue Versus, &c. Crompt. 134. b. Dalt. 162. 163. cap. 68.*

XIX. *Lamb. 81.* But some others there be, perhaps, with whom he may not well meddle; as, if a man have Cause to require the Peace against a Lord, he for so small a Cause is not to be Arrested, as I take it, by Warrant from a Justice, nor yet by a *Supplicavit* out of the Chancery, but the Lord Chancellour may in such Case grant to the party a *Sub-pœna* against that Lord for the Peace, as it seemeth by *35 H. 6. Sub-pœna 20. Dalt. 335. cap. 118.* for such an opinion hath the Law conceived of Peaceable disposition of Noblemen, that it hath been thought enough to take one of their promises upon honour, that he would not break the Peace against a Man, *17 Ed. 4. 4. Contempts, Br. 6. ¶ 24 Ed. 3. 33. Sub-pœna 20.* but whether the Lord Chancellour may Award an Attachment upon such a *Sub-pœna*, it hath been in our memory made a Question, *Dyer 315. pl. Exigent Br. 72. Crompt. 134, ab. 135. Dalt. 161. cap. 68.*

XX. *Lamb. 82, 83.* The Cause for which this Surety of the Peace may be Required or Commanded, appeareth in the first *Assignavimus* of the Commission, § 5. in these words, *Et ad omnes illos qui aliquibus vel alicui de populo nostro de Corporibus suis vel de incendio Domorum suarum minas fecerint ad sufficientem securitatem de pace, &c. Inveniendam, &c.* Which Mr. *Fitzh. 8.* Construeth thus, He that is threatned that he shall be hurt in his Body, or that his House or Goods shall be Burnt, may demand Surety of the Peace for his safeguard in that behalf; but saith the Court *17 Ed. 4. 4.* If a man will demand the Peace, because he is in fear that another Man will take and imprison him, it ought not to be granted; and one yieldeth the reason to be, because he may have a Writ *De homine Replegiando*, or an Action of False Imprisonment, and may thereby recover the Damages of his Imprisonment: The same Reason might be made against the demand of the Peace where a Man is Threatned with Battery; and yet it is clear, that in such a Case the Surety of Peace ought not to be denied him: And truly to threaten Imprisonment, is within the words *Minas de Corporibus*, no less then Battery it self; and like harm may happen by hard Imprisonment & cruel Beating. It shall be Good therefore to enquire of this matter. But I take it somewhat clear, that a Justice of the Peace may not by this Commission Award a Precept of the Peace in the behalf of a Man that will require it, because he is at variance with his Neighbour, or feareth that he will do harm to his Servants or Cattle; for in that Case Mr. *Fitzherbert* helpeth him with an

an old Writ to the Sheriff, as he findeth it in the Register, and *F. N. B.* 80. G.

Oath.

XXI. 83, 84. The Peace being thus for good Cause required, it is the common manner to exact an Oath of the party, whereby the Justice may be the better informed and led to think that he doth not ask it for malicious vexation of another, but of very fear, and for the needful safety of himself and his; and Mr. *Fitzherbert* in *F. N. B.* 79. *H.* laboureth to shew, that the Justices of the Peace ought not without such an Oath to grant this Surety at the suit of any man, forasmuch as not only the Justices of *B. R.* do yet take an Oath in such Case, but the Ancient Course of the Law was such in the *Chancery* it self also, although it be now adays otherwise used there. *Crumpt.* 135, 138. *Dalt.* 171. cap. 69.

XXII. *Kilborn's Precedents* 233. The Oath of him who craves the Peace against another.

**Y**OU shall Swear that the Surety of the Peace which you crave against A. B. is not for hatred or malice which you bear him, but for safety of your Body from harm which you fear he will do, or procure to be done unto you. So help you God.

Or thus.

**Y**OU shall Swear, That the Surety of the Peace which you Crave against A. B. is not of any private malice, hatred or evil will, but meerly that you are afraid of your life, or the hurting or maiming of your Body, or the burning of your Houses. So help you God.

Process.

XXIII. *Lamb.* 84, 85. It resteth to shew by what means this Surety may be enjoined; and that is either by word or writing under Seal: for a Justice of Peace may by word only Command a Man being in his presence to find Surety of the Peace, 9 *Ed.* 4. 3. For seeing that he is a Judge of Record, saith Mr. *Fitzherbert* 8. his Precept by mouth is stronger then his Precept in writing. So if the Peace be demanded against one that is in his presence, he may Command the Sheriff or other known Officer, or his own Servant if they be then present also to Arrest the party to find his Surety, 14 *H.* 7. 8. and *Marrow*, for it is not so much the Arrest of the Minister as of the Justice himself: But if either the Officer, Servant, or Party be absent, then it is requisite to make a Warrant or Precept in writing; the form whereof may be thus in *English*, *Crumpt.* 138. b. § 8. *Dalt.* 165. 166. cap. 68.

Kent ff.

XXIV. *Lamb.* 85, 86. The Precept for the Peace.  
*Ja.* by the Grace of God, &c. To Our Sheriff of *K.* the Constables of the Hundred of *W.* &c. and to all and singular Our Bayliffs and other Our Ministers in the said County, as well within Liberties as without, Greeting: Forasmuch as *A. B.* of *W.* aforesaid, *Yeoman*, hath personally come before *G. B.* of the said Town Esq; one of Our Justices of the Peace within the said County, and hath taken a Corporal Oath, That he is afraid that one *C. D.* of *S.* in the said County, *Yeoman*, will beat, wound, maim or kill him, or burn his Houses, and hath therewithal prayed Surety of the Peace against the said *C. D.* Therefore we Command and Charge you jointly and severally, that immediately upon the receipt hereof, you cause the said *C. D.* to come before the said *G. B.* or some other of Our said Justices, to find sufficient Surety and Mainprife, as well for his appearance at the next Quarter Sessions of our Peace to be holden at *M.* in the said County, as also for Our Peace to be kept towards Us and all Our Liege-people, and chiefly towards the said *A. B.* that is to say, That he the said *C. D.* shall not do, nor by any means procure, or cause  
to

to be done any of the said Evils to any of Our said People, and especially to the said *A. B.* and if he the said *C. D.* shall refuse thus to do, that then immediately, without expecting any further Warrant, you him safely convey or cause to be safely conveyed to Our next Prison in the said County, there to remain until he shall willingly do the same, so that he may be before Our said Justices at the said next General Sessions of the Peace to be holden at *M.* aforesaid, then and there to answer unto Us for his Contempt in this behalf; and see that you certify your doing in the premises to our said Justices at the said Sessions, bringing then thither this Precept with you. Witness the said *G. R.* at *W.* aforesaid, the fourth day of *August*, &c.

Or thus, In the Name of the Justice himself, *Mutatis Mutandis.*

*E. W.* Knight, one of the Justices of the Peace of our Sovereign Lord the King within the said County, to the Sheriff, &c. Greeting. Forasmuch as *A. B.* &c. hath personally come before me, &c. These be therefore on the behalf, and in the Name of our said Sovereign Lord, to Command you joyntly, &c. to come before me or one other of his Majesties said Justices of the Peace in the said County, &c. Given under my Seal at *W.* aforesaid.

XXV. *Lamb.* 87. It is meet that the Precept for the Peace do expressly <sup>Process:</sup> contain the Cause of the Peace within it, for otherwise how can the Officer or Parties take knowledge that surety must be provided for it; yea every Precept made by a Justice of Peace ought to comprehend the special matter upon which it proceedeth, as the King's Writs, and as for the form that is now commonly used (to answer to such things as shall be objected and such like, they were not fetched out of the old Learned Precedents, but lately brought in by such as either knew not or cared not what they writ.

XXVI. *Lamb.* 87, 88. The Warrant of the Peace is the better also if it bear date of the Place where it was made; for if a Man be to plead such a Precept for his excuse, in an Action of false Imprisonment brought against him, he ought in his Plea to shew the place where the Warrant was made, 14 *H.* 8. 18.

XXVII. *Lamb.* 88. And this Precept may also be directed to any indifferent person by name, though he be no Officer at all; for so it seemeth to be permitted in the Oath of the Justice of the Peace, and so is also 14 *H.* 8. 18. The which liberty the Justices in some Shires do use and take accustomedly, directing their Precepts to private Men of their own Election and Choice: But yet I take our *Kentish* Course to be the safer way, where we commonly write to the sworn Constables and Bursholders only.

XXVIII. *Lamb.* 89. If such a Precept be made jointly to Twain, yet the one alone may serve it: If it be directed to the Sheriff, then he may Command his Bayliff, Under-Sheriff, or other sworn and known Officer, to serve it without writing any Precept: But if he will Command another Man that is no Officer to serve it, he must give him a written Precept; for otherwise a Writ of false Imprisonment will lye for the Arrest: And if it be directed to the Bayliff, or to a Servant of a Justice of Peace, or other Stranger, they must serve it themselves; for they can Command none other to do it, neither by Word nor Precept, by *Marrow.*

XXIX. *Lamb.* 89. A sworn and known Officer needeth not to shew this Warrant, when he doth serve it upon a Man, 8 *Ed.* 4. 14. *False Imprisonment*, *Br.* 23. & 20 *H.* 7. 13, &c. For his Office doth after a sort Authorize him: But if the Justice will set his Servant to serve it, that Servant must shew the Warrant, if the party demand it; and otherwise the party may make resistance.

XXX. *Lamb.* 89, 90. A Justice of Peace, saith *Peace*, *Br.* 9. may make this Warrant returnable before himself, and the Bayliff needs not to carry <sup>Return:</sup> the



the party before any other Justice; but Judge *Fineux*, 21 H. 7. 20. saith, That if a Justice of Peace do make a Warrant of the Peace *Ex Officio*, that is, without any Writ of *Supplicavit* Awarded, then the party may chuse to appear before him or any other Justice in the Shire, and that he shall punish the Bayliff in false Imprisonment, if he do otherwise compel him; (5 Co. 59. *Infrà* 37.) otherwise it is in the Execution of a Writ of *Supplicavit*; for he alone to whose hands it first cometh, is Authorized to execute and return that Writ, and thereupon Mr. *F. N. B.* 81. affirmeth, That if such a Writ of *Supplicavit* be delivered to the Sheriff, then he may both Execute it alone, and also take Surety by Recognizance, which otherwise being but a Conservator he could not do, because the Writ doth so enable him, yet 9 Ed. 4. 31. *Littleton* is to the contrary, *Dalt.* 166. cap. 69.

XXXI. *Lamb.* 90. The Officer ought also to require the party to come and find Surety of the Peace before that he do Arrest him; by the opinion *L.* 5 Ed. 4. 13. 10. and in truth the Common Form of the Precept is, *And if he refuse*, &c. then he shall convey him to the Goal, and therefore if he yield to come and to find Surety, the Officer may neither absolutely Arrest him, nor take any Fee of him: And this may be the cause that when one appeareth upon such a Warrant before the Justice of Peace, the Justice needeth not demand Surety of him, but may commit him if he do not offer Surety, 4 H. 7. 9. *Crompt.* 142. *Dalt.* 166. cap. 69.

XXXII. *Lamb.* 90, 91. If a Bayliff do Arrest a Man for the Peace before that he have any Warrant, and then afterwards do procure a Warrant for it this nevertheless is unlawfully done, and will not excuse him in an Action of false Imprisonment. But if the Bayliff do cause one by force of a Warrant to come and find Surety of the Peace, and when the Party is brought, the Justice will not bind him, yet the Bayliff is excused, 21 H. 7. 22. *Crump.* 144. & 14 H. 7. 9.

XXXIII. *Lamb.* 91. If Surety of the Peace be required at the hands of a Justice of Peace that dwelleth out of the County, against a Man within the County, the Justice may grant a Precept to be served in the County: but when the party shall be thereupon warned and commanded to find Surety, the Officer may not carry him out of the County to the Justice of Peace that made the Warrant; by *Marrow*: For a Justice of Peace hath no Authority but in the County where he is a Justice, 13 Ed. 4. 8. & *Coron.* 37. and therefore it may be doubted also whether such a Warrant be good or no.

XXXIV. *Lamb.* 92. But if it fall out that he refuse to come and put in such Surety, then may the Officer by virtue of his Warrant convey him to Prison; for the words of the Commission, § 5. are, *And if he shall refuse*, then, &c. And if he add resistance to this refusal, and make assault upon the Officer, then may that Officer justifie the beating or hurting of him, 21 H. 7. 39. *per Fineux.* *Dalt.* 167. cap. 69. 3 H. 7. 3. *per Brian*, False Imprisonment *Br.* 21.

XXXV. *Lamb.* 93. To this Arrest for the Peace, all Lay Persons under the degree of Lords or Peers of the Realm be subject, and Ecclesiastick persons, if they be not attendant upon Divine Service, may be Arrested for the Peace also, by *Marrow*.

Release.

XXXV. *Lamb.* 93, 94. For as it seemeth to some, that any Justice of Peace may upon his offer take the Surety and deliver him, so it may be some doubt whether he may be delivered upon the Death or Release of the party, without the help of a Sessions or Goal Delivery, *Dalt.* 167. cap. 69. & 176. cap. 71.

Priviledge.

XXXVI. *Lamb.* 94. It appeareth, 4 Ed. 4. 16. pl. And by the opinion of *Brian*, 2 H. 7. 2. 4. That if such an Imprisoned person had a suit hanging in the Common Place aforehand, he might by a Writ of Priviledge be discharged.

charged of the Imprisonment, if the Party at whose suit he was Arrested for the Peace, were not ready in Court at the day of the Return of the Writ when he should be called to pray there again the Surety of the Peace against him; and he saith, that it had been alwayes their common Course so to do: but other there were of a contrary opinion; and it seemeth a hard Case that without any sufficient notice of such a removing of the Party, a man should be defeated of his Surety for the Peace, *Crumpt.* 141. *b.* 142. *b.* 143. *Dalt.* 167. cap. 69. & 186. cap. 73.

XXXVII. *Lamb.* 94, 95. But now if the party shall yield to find Surety of the Peace, then may he be at his Liberty if the Precept proceed *ex officio*, and without the Writ of *Supplicavit*, to go to any other Justice of the Peace to offer his Surety; for such is the opinion of *Fineux*, 21 *H.* 7. 20. (*suprà* 30.) Tho Mr. *Brook* Peace, *Br.* 9. and *Faux* Imprisonment, *Br.* 11. liketh better to give the Election thereof to the Officer 5 *Co.* 59. *b.* and I do remember, that a Justice of the Peace was by Order in the *Star-Chamber* thrust out of the Commission only, because he refused to accept Surety of the Peace offered unto him upon a Warrant Awarded by one his Fellow Justice, to whom the party as he alledged durst not go to give it for fear that he would Execute upon him the malice that he bare against him, *Crumpt.* 140. *b.* 144. *Jurisd.* 31. *Dalt.* 166. cap. 69.

XXXVIII. *Lamb.* 95. But here again the Officer had need be advised, lest he find much trouble in following the Party whither he shall please to lead him: for as there may be just Causes to yeild unto the request of a man that shall dislike to be brought before that Justice which gave out the Warrant, either for some matter of private displeasure, or for the great distance of his Dwelling, or for other Reasons; so yet without good Allegation made, I allow not that the Officer shall be drawn out of the Division and Limit where both he and the party do Dwell; for in so doing, the Officer and not the Offendor may seem to be punished by the Service, *Dalt.* 166. cap. 69.

XXXIX. *Lamb.* 95. 96. Hereupon also it happeneth often, that such Persons chusing rather to be bound by any other then by him that maketh the Warrant, do offer themselves and do become bound before some other Justice: and do withal procure a *Superfedeas* from him to be discharged of any other Arrest to be made upon them; yea and many times hearing of such precepts and misliking to be bound in the Country, they go up to *Westminster* and give Surety of the Peace there, either in the *Kings-Bench* for a time only, as the manner of that Court is, or in the *Chancery* forever, or for a time, as they use it, and do thereupon procure a *Superfedeas* from the Court where they are bound, to close the hands of the Country Justices, *Crumpt.* 138. *b.* § 9. & 144. *b.* 145. *b.* *Dalt.* 168, 169. cap. 69.

XL. *Lamb.* 96. If therefore a Justice of the Peace will by a *Superfedeas* discharge a precept for the Peace Awarded by his fellow Justice by Vertue of his Office (and not by force of a *Supplicavit*, which is of a higher Nature, and cannot be so Avoided) then shall he do well to take the Recognizance after the self same sort in all points as the Form of the former Precept doth require: for as it is good reason that having taken Surety for the Peace, he may by his *Superfedeas* save the party from finding other Surety for the self same Cause. So is it not reasonable that he should proceed otherwise then according to the first Precept, and thereby discharge a matter of Record that was made by one of equal Authority with himself. *Fitz-herb.* 9. *Crumpt.* 138. *b.* § 10. & *Infrà* 99.

XLI. *Lamb.* 96, 97. But this *Superfedeas* sent by a Justice of Peace is sufficient, although it neither name the Sureties nor contain the Sums in which they are bound; yet is it the better form to expresse them both, as well because the higher Courts use so to do, as also that if the Bayliff, Con-

stable or other Officer to whom it is delivered, be called at the next Sessions by the Suit of him that sought to have the place, to shew he hath Executed his Warrant, and to come in and shew forth the *Superfedeas*; then the Party that is bound may be called thereupon at the day that appeareth to be Limited unto him by the *Superfedeas*; for it is under the Seal of a Justice, and doth testifie that the party is bound and hath found Surety to appear at a certain day; and if he make default, that being recorded, shall be sufficient to cause him to forfeit the Penalty of the Recognizance, altho the Justice that Awarded it shall omit to bring the Recognizance it self according as he ought now to do, by 3 *H. 7. 1. §. N.* and this may be Gathered upon the opinion 2 *H. 7. 4. Surety, Br. 13. Priviledg, Br. 52.* and may also be seen by this Form of the *Superfedeas* under-written.

XLII. *Lamb. 97, 98. W. S. Esq;* one of the Justices of the Peace of our Sovereign Lord the King within the County of *K.* to the Sheriffs, Bayliffs, Constables, &c. and other the faithful Ministers and Subjects of our said Sovereign Lord within the said County, and to every of them, sendeth Greeting: Forasmuch as *A. B. of &c. Yeoman*, hath Personally come before me at *A. &c.* and hath found sufficient Surety, that is to say, *C. D. & E. F. &c. Yeoman*, either of the which hath undertaken for the said *A. B.* under the pain of XX *li.* and he the said *A. B.* hath undertaken for himself under the pain of XL *li.* that he the said *A. B.* shall well and truly keep the Peace toward our said Sovereign Lord and all his Liege People, and specially towards *G. H. &c. Yeoman*; and also that he shall personally appear before the Justices of the Peace of our said Sovereign Lord within the said County at the next General Sessions of the Peace to be holden at *M.* there: therefore on the behalf of our said Sovereign Lord I Command you and every of you, that ye utterly forbear and surcease to Arrest, take, Imprison or otherwise by any means for the said occasion to molest the said *A. B.* and if you have for the said occasion and for none other taken or Imprisoned him, that then you do cause him to be delivered and set at Liberty without further delay, given at *A.* afore said under my Seal this Day of *&c. Anno, &c.*

This *Superfedeas* may also be in the Name of the King under the Test of the Justice of Peace, thus; *Charles* by the Grace of God, *&c.* to the Sheriff, *&c.* Greeting. Forasmuch as *A. B.* hath come before *T. F. Knight*, one of our Justices of the Peace within our said County, and hath found, *&c.* we therefore Command you and every of you that ye forbear, *&c.* Witness the said *T. F. &c.*

XLIII. *Lamb. 99.* Thus much of the *Superfedeas* Issuing from a Justice of the Peace, the which ought to with-hold and stay the Proceeding of his fellow Justices in the said Cause, in so much, that if any Officer by any of their Warrants having this *Superfedeas* delivered unto him, will nevertheless urge the Party to find new Surety for the Peace, he may refuse to give it; and if he be Committed to Prison for such his refusal, he may, as I think have his Action of False Imprisonment against the Officer upon the same.

XLIV. *Lamb. 99. I read 21 Ed. 4. 40. Peace, Br. 17.* that a *Superfedeas* proceeding out of the Chancery, will discharge a Surety of the Peace taken before the Justices of *B. R.* much more then will a *Superfedeas* sent out of the Chancery or *B. R.* discharge a Precept for the Peace that is awarded from an Inferior Justice of the Peace; and if the Justice of the Peace to whom a *Superfedeas* out of such an High Court shall be delivered will not thereupon surcease, an Attachment may be Awarded against him for his contempt, and he may be Imprisoned and Fined for it. *Crumpt. 139. § 12.*

XLV. *Lamb. 99, 100.* It is good Counsel therefore *F. N. B. 238. E.* where he willet the Justice of Peace after such a *Superfedeas* received to forbear to make any Warrant to Arrest the Party; and if they have Award-  
ed



ed it, then to make their own *Superfedeas* to the Sheriff and other Officers, thereby Commanding them to surcease to put it in Execution.

XLVI. *Lamb.* 100. If the Justice of Peace deal in taking of the Recognizance of the Peace as a Judge, and by vertue of his Commission § 5. then the number of the Sureties, the Sum of the Bond, their sufficiency in Goods or Lands, the time how long the Party shall be bound, and such other Circumstances, are referred wholly to his own Consideration: and if he be deceived in the ability of the Sureties, he may compel the Party to put in others, by *Marrow*; for the Avoiding of which deceit also the Justices of C. B. 7 H. 6. 25. Did Examine the Ability of the Sureties upon their Oaths.

XLVII. *Lamb.* 100, 101. The Common manner is to take two Sureties besides the Party himself; and good reason it is that those should be such as have their names registred in the Book of Subsidy, for albeit that here and there some may be sufficient that were not Assessed to the King, yet it standeth not well together that he should become bound to the King in X or XX li. that was not in the Subsidy found worth any thing at all; and the Case may be such, that Sureties only, not the principal Party, shall give the Bond: for if the Peace be prayed against a Wife or an Infant under the years of Discretion, they shall be bound by their Sureties only as was the Monk or Cannon, 36 H. 6. 23. *Surety*, Br. 9. *Moign.* Br. 15. *Dalt.* 171. cap. 69.

XLVIII. *Lamb.* 101. But if the Justice of Peace shall Command the Peace as a Minister in Execution of the Writ of *Supplicavit*, then must he behave himself as the Writ it self directeth him; and that hath not been alwayes after one manner, for some Commandeth him to take sufficient Manucaptors in any pain or Sum to be reasonably set by himself, so that he will be answerable for it at his own Peril: and some willeth him to take sufficient Security in a Sum certainly prescribed unto him, as *Cli.* in all or every of them in XX li. as at large, *Register* 89. *Dalt.* 185. cap. 73.

XLIX. *Lamb.* 101, 102. A Justice of the Peace, saith *Marrow*, may take this Surety by a Gage or pledge which shall not be forfeited thereby, but pawned only, so that the Party shall under a certain pain keep the Peace; which pawn he shall forfeit if he break the Peace. *Dal.* 171. cap. 69.

L. *Lamb.* 102. And by the Opinion of *Marrow*, a Justice of the Peace may also take his Surety by an Obligation made to himself by the name of Justice of the Peace; for so shall it be, saith he, *ad usum Domini Regis*: but if it were made unto him without his name of Justice of the Peace, then it could not be to the use of the King, unless it had the words *ad usum Domini Regis*: on the other side *F. N. B.* 81. D. holdeth, that such an obligation taken to the King by a Justice of the Peace, is nothing worth; for a man cannot be bound to the King but only by matter of Record, unless he will after come into a Court of Record and Confess it to be his Deed, and pray that it may be Enrolled there, 9 *Ed.* 4. 31. But the new Statute 33 H. 8. 39. §. 51. (2) N. 2. hath made a plain Law in these Cases, that all Obligations and Specialties made for any Cause touching the King, shall be in his own name by the words *Domino Regi*, and to no other Person to his use. The safe way therefore is to take his Surety by Recognizance, as is commonly used, and that also by the words *Domino Regi*, and then upon the Forfeiture thereof, the King shall have Execution accordingly. 51. *Dalt.* 171. 172. cap. 69.

LI. *Lamb.* 103. Now if a Recognizance be ment to be taken for the Peace by a Justice of the Peace, and yet do not contain within it, or in the Condition thereof, that it was taken for the keeping of the Peace, it seemeth to be void, as being then taken *Coram non Judice*, because a Justice of the Peace hath not power to take Recognizances Generally, but for matters concerning

concerning his Office specially ; and therefore Mr. Marrow addeth further, that if the Recognizance be, that the Recognizor shall not maim nor beat *A*, yet it is not good, because it ought to be for the keeping of the Peace, and that may be broken otherwise, as by Burning the House of *A*. or by such like Misdemeanor, *Dalt.* 171. cap. 69.

LII. *Lamb.* 103. 104. Although this Recognizance do not comprehend any time of appearance, but be Generally to keep the Peace, yet it is good in Law, saith Mr. Marrow, because the chief scope is the keeping of the Peace, and the time is referred to the Discretion of the Justice : but as 2 *H.* 7. 1. it was moved whether the Justice of Peace ought to bring in the Recognizance to the *Custos Rotulorum*, that the Party might be called upon it. So by 3 *H.* 7. 1. § 1. N. 26. It is plainly Enacted, That every Recognizance taken for the Peace, shall be certified at the next Sessions of the Peace, that the Party may thereupon be called, and his default, if any happen, may be recorded : whereby it seemeth, that every Recognizance of the Peace ought not to contain the appearance of the Party at the next Sessions, and otherwise there may be some mischief ; for if the Party shall not so appear he is at Liberty without a new Arrest, and not forth-coming to be bound over, if it be so required. *Crumpt.* 141. b. 142. b. *Dalt.* 172. cap. 69.

LIII. *Lamb.* 104. And by Mr. Marrow, if the Recognizance contain a day of Appearance, and yet have no Person named before whom the Party so Bounden shall appear, then may he appear where he will before the Justices of the Peace which took the Recognizance of him.

LIV. *Lamb.* 104. If the Form of the Recognizance be in *xx li.* to be Levied only of the Goods, or only of the Lands of the Recognizor, it seemeth to be good enough ; for peradventure the words of the Goods only, or the Lands only, shall be taken to be void, seeing that the very acknowledgment of the Sum of *xx li.* before a Judge enabled to take it, both maketh it a Debt, and implieth the Ordinary mean of Law to come unto it, *Dalt.* 172. cap. 69.

LV. *Lamb.* 104. *Ibid.* If this Recognizance be taken to keep the Peace against one special Party only, Mr. Marrow thinketh it good ; but advise well of it, for the words in the Commission § 5. of the Peace now be to take Surety, *Erga nos & populum nostrum.* *Dalt.* 172. cap. 69.

Recogn.

LVI. *Lamb.* 105. For the better Eschewing of all Error in himself, and bad dealing against the Party, I wish the Justice to go *via regia*, following the received Form ; which I take to be thus.

*K. Memorand' quod quarto die Julii, Anno Regni &c. R. P. de E. 'in Com' predict' Tecman in propria persona sua venit coram me I. L. Milite, uno Justiciario dicti Domini Regis ad Pacem in dicto Comitatu Conservand' assignat' & assumpsit pro seipso sub pœna viginti librar' & H. I. de L. in Com' predict' Teoman, & I. H. de M. in eodem Comitatu Husbandman, tunc & ibidem in propriis personis suis similiter venerunt & manuceperunt pro predict' R. P. (viz.) quilibet eorum separatim sub pœna C. solidorum quod idem R. P. personaliter comparebit coram Justiciariis dicti Domini Regis ad Pacem ad proximam Generalem Sessionem Pacis in Com' predicto ad faciend' & recipiend' quod ei per Curiam tunc & ibidem injungetur, & quod ipse interim pacem dicti Domini Regis custodiet erga ipsum Dom. Regem, & cunctum populum suum & precipue versus M. N. de Ightham predict' Teoman, & quod Damnum vel malum aliquod corporale aut Gravamen prefato M. N. aut alicui de populo dicti Domini Regis quod in læsionem aut perturbationem Pacis ipsius Domini Regis cedere valeat quovismodo non faciet nec fieri procurabit. Quam quidem Summam xx libr' predict' R. P. & quilibet manuceptorum predictorum predictas separales Summas C. Solid' recognoverunt se debere dicto Domino Regi, de terris & tenementis, bonis & catallis suis, quorumlibet & cujuslibet eorum ad opus dicti Domini Regis, Heredum & Successorum suorum, fieri & levari ad quorumcunque manus devenerint,*

si contigerit ipsum R. P. premissa, vel eorum aliquod in aliquo infringere, & inde legitimo modo convinci. In cuius rei Testimonium ego predictus I. L. Sigillum meum apposui Dat' &c. Dalt. 369. cap. 123. & 172. cap. 69.

Or thus,

**M**emorand' quod 4 die &c. A. B. de I. &c. & C. D. de eadem Teoman venerunt coram me I. F. &c. & manuceperunt pro I. S. nuper de L. &c. quod ipse personaliter comparebit coram me prefat' I. F. vel sociis meis Justiciariis pacis Domini Regis ad proximam Generalem Sessionem &c. & quod ipse interim gerit pacem erga cunctum Populum Domini Regis, & precipue erga R. B. &c. viz. quilibet manucaptorum predictorum sub pena xx libr', & predict' I. S. assumpsit pro seipso sub pena xl l. quam quidem Summam xl li. predictus I. S. & quilibet manucaptorum predictorum dictam Summam xx libr' recognoverunt &c. Kilb. Presidents. 191. Dalt. 369. cap. 123.

LVII. Lamb. 107. And this may be well done also by a single Recognizance in *Latine*, with a Condition added or Endorsed in *English* for the keeping of the Peace, and for the day and place of the Appearance at the Quarter Sessions.

LVIII. Dalt. 368, 369, 370. cap. 123. A single Recognizance taken before Justices of the Peace,

**M**emorand' quod Die Anno &c. venerunt coram me M. D. & J. B. Armig' Justiciar' dicti Domini Regis ad pacem in Com' predict' Conservand' assignat' J. S. de B. in Com' predict' Teoman, & W. S. de eodem Weaver, ac R. D. de S. in Com' predict' Taylor, & recognoverunt se debere dicto Domino Regi, viz. quilibet manucapt' predict' v libr', & predict' J. S. x libr' bonæ & legalis monetæ Angliæ solvend' eidem Domino Regi in Festo Purificationis beatæ Mariæ Virginis proxim' futur' post Dat' present' & nisi fecerint concesserunt pro se Heredibus Executoribus & administratibus suis per present' quod dictæ separales Summæ leventur & recuperent' de maneriis, messuagiis, terris, tenement', bonis, catallis, & hereditament' ipsorum J. S. W. S. & R. D. hered', executor', & assignator' suorum ubicunque fuerint invent' per present' Dat' &c.

Another,

**C**antebr. Memorand' quod &c. Die, &c. Anno &c. D. E. de B. in Com' predicto Teoman personaliter venit coram me N. D. Armig' uno Justiciar' dicti Domini Regis ad pacem in Com' predict' Conservand' assignat' & recognovit se debere dicto Domino Regi x libr' bonæ & legalis monetæ Angliæ de bonis & Catallis, terris & tenement' suis fieri, & levari ad opus dicti Domini Regis, heredum, & Successorum suorum, si defecerit in Conditione indorsata.

Alias.

**M**emorand' quod &c. Die &c. Anno &c. venerunt coram me M. D. uno Justiciar' &c. assignat' T. F. de W. in Com' predict' Teoman, & J. S. de eisdem Villa, & Com' Husbandman, Manuceperunt & uterque eorum separatim manucepit sub pena v li. legalis monetæ Angliæ pro W. S. de W. predict' Taylor, & predict' W. S. assumpsit pro seipso sub pena x li. consimilis monetæ Angliæ, quas quidem separales Summas recognoverint, & quilibet eorum ut predictum recognovit se debere dicto Domino Regi, de terris & tenement', bonis & Catallis suis fieri &c. si predict' W. S. defecerit in performatione Condition' infra scripte.



*A Condition to keep the Peace.*

**T**He Condition of this Recognizance is such, that if the within Bounden J. S. shall personally appear before the Justices of our said Sovereign Lord the King, at the next General Sessions of the Peace to be holden in the said County of C. to do and receive that which by the Court shall be then and there enjoined him, and that he in the mean time do keep the Peace of our said Sovereign Lord the King towards the Kings Majesty and all his Liege People, and especially towards A. B. of C. aforesaid Yeoman, that then, &c. *Kilborns Presidents, 176.*

Return.

LIX. *Lamb. 107.* If the Surety were taken by virtue of a *Supplicavit*, then must the Justice of Peace being in this Case but a Minister, make return of the Writ and Certificate of his doing into the Court, from whence the *Supplicavit* did proceed. First, let him note upon the Back of the *Supplicavit* thus, *Executio istius brevis patet in quadam Scheda huic brevi Annexa.*

The Schedule thus.

**E**Go T. F. Miles unus Custodum pacis Domini Regis in Com' K. certifico in Cancellarioam dicti Domini Regis me virtute istius Brevis mihi per A. B. in eodem Brevi nominat' primo deliberati) personaliter coram me tali die & loco venire fecisse T. R. in dicto Brevi nominatum, ac eundem T. ad sufficientem securitatem, & manucaptos pacis inveniend' secundum formam dicti Brevis, viz. (as the Writ which is of divers forms shall appoint) Compulisse, in cujus rei testimonium huic presenti Certificationi meae sigillum meum apposui, datum apud D. predict' in Com' predict' 25 Die Febr' Anno &c. Dalt. 185. cap. 73.

Certiorari.

LX. *Lamb. 108.* If a *Certiorari* be directed out of the Chancery to the Justice of the Peace for removing this Recognizance, because it was not sent up together with the Certificate, as there was no necessity that it should, then that Writ also may be thus Answered.

Upon the Back of the Writ thus,

**V**irtute Istius Brevis ego P. H. unus Custodum Pacis Domini Regis in Com' K. tenorem securitatis pacis unde infra fit mentio Dicto Domino Regi in Cancellariam suam sub sigillo meo distincte & aperte mitto, prout patet in Scheda huic Brevi consuta. *Crumpt. 143. ab.*

The which Schedule may be thus.

Reciting.

**M**emorand' quod xx die &c. Anno &c. (the whole Recognizance to the End) then in cujus rei Testimonium ego predict' P. H. sigillum meum apposui, dat' &c. Dalt. 185. cap. 73.

Joyndre.

LXI. *Lamb. 108, 109.* If the *Supplicavit* be against divers, and the Party will release his Prayer of the Peace against one of them, then the release ought to be certified for him, and the Writ must be served for the rest, or else *non est Inventus* may be certified for him, and the Writ may be certified for the rest, *Dalt. 173. cap. 69.*

Return.

LXII. *Lamb. 109.* And this Form may serve also where a *Certiorari* is brought to a Justice of Peace, to remove a Recognizance of the Peace, that was taken by him *ex officio* without any such Writ of *Supplicavit*, as Register 90.

But if the Recognizance be not thus removed from the Justice of Peace, then may he keep it till the *Certiorari* come to him for it.

On

On the other side, if the Recognizance were taken by vertue of his Office, then whether it were by his own Discretion or at the Suit and desire of another, he must send or bring it in at the next Sessions to the *Custos Rotulorum*, so that the Recognizor may be there Called, and if he make default, then the same default to be recorded as is appointed by 3 *H. 7. 1. § 1. N. 26. Dalt. 174. cap. 70.*

LXIII. *Lamb. 109.* And although the Party that prayed the Peace, do <sup>Appearance.</sup> not then appear at those Sessions, yet is not the default of the Recognizor discharged thereby 39 *H. 6. 26.* Surety *Br. 10.* and the Justices may then of discretion bind him over, which also they ordinarily do in some places for two or three Sessions together, by order among themselves, *Dalt. 174. cap. 71.*

LXIV. *Lamb. 110.* The Justice of Peace that of his own motion com- <sup>Release.</sup> pelleth one to give Surety of the Peace until a certain day, may by like discretion before that day, release it. *Fitzb. 10.* and if it should fortune to be made to keep the Peace Generally, without any day limited, then wou'd it be construed that it was to continue during the Life of the Party bound, and then could no man release it by *Fitzb. & 21 Ed. 4. 40. & 9 Ed. 4. 3. Crumpt. 139. b. § 15. & 141. Dalt. 175. cap. 71.*

LXV. *Lamb. 110.* If at the Suit of *A.* the Recognizance should be taken to keep the Peace against *A.* only, and none other; then may *A.* release it either before the same Justice, or any other that will certifie the release, which Certificate being of Record will discharge it, but to release it by Deed is nothing worth, by *Marrow, Dalt. 175. 176. cap. 71.*

LXVI. *Lamb. 110.* And so if it be *versus cunctum populum & precipue versus A.* yet may *A.* after that sort release it, as the Law is now practiced in our time clear against the opinion of 21 *Ed. 4. 40.* for albeit that it seem popular, so that all others should have equal Interest with *A.* in it; yet was it taken specially say they for his safety, as the word *precipue* doth argue plain, and peace. *Br. 17.* saith truly, that it was used at that time also, *Crumpt. 142. b. Dalt. 174. cap. 71. & 176. cap. 71.*

LXVII. *Lamb. 111.* But since the Recognizance is made to the King; and not to the Party, though for his Security, and seeing also that by such release, he that ought to remain bounden shall be at Liberty, and may do harm whilst intending to beat *B.* he may contend with *A.* both to pray and Pardon the Recognizance for the Peace, I could for my part like better to maintain that old, then to Imitate this new Opinion, *Dalt. 176. cap. 71.*

LXVIII. *Lamb. 111.* And now whether the Recognizance be at the Suit of *A.* or by the meer motion of the Justice in the behalf of *A.* the King cannot Release or Pardon it, before that it be forfeited, both for the mischief that may come to *A.* thereby, by the opinion of *Fineux 11. H. 7. 12.* and for that the Recognizance being taken according to the common Form as is before set down. It is not properly a Debt to the King until it be forfeited as appeareth 11 *H. 4. 43. & 1 H. 7. 10.* But being once forfeited, then he and none other may pardon the Forfeiture, for then it is become proper Debt unto him, *Dalt. 177. cap. 71.*

LXIX. *Lamb. 111, 112.* Now in these Cases the Recognizance may not be Cancelled, lest peradventure the Peace was broken, and consequently the Recognizance forfeit before the time of the Release made, *Fitzb. 10.* and therefore *Crumpt. 140. b. 141. a.*

It shall be best in such Cases to send to the Sessions the Recognizance and the Release together, and that may be done in a few Lines under the Recognizance it self, *Crumpt. 139. b. § 16.*

For the Release of a Justice, thus.

**E**Go p<sup>r</sup>efat' T. W. Miles qui supra nominat' A. B. ad predict' securitat' pacis inveniend' ex mea Discretione compuli eandem securitatem pacis quantum in me est ex mea discretione 1 Die August', Anno &c. remisit & relaxavi. In cuius rei testimonium huic presenti relaxationi meæ sigillum meum apposui, Dat' &c. Dalt. 390. cap. 128.

And for the Release of the Party before the same Justice that took it, thus.

**M**emorand' quod primo die Augusti, Anno &c. p<sup>r</sup>efatus C. D. venit coram me S. L. & Gratis remisit & relaxavit quantum in se est predictam securitatem pacis per ipsum coram me versus supra nominatum A. B. petitem. In cuius rei testimonium ego p<sup>r</sup>efat' S. L. &c. Dat' &c. But if the Release be made, as some think it may, before another Justice of the Peace which hath not the Recognizance, then this latter form must be framed accordingly, Dalt. 390. cap. 128.

LXX. Dalt. 390. cap. 128. These two former Releases are to be written under the Recognizance it self, and if the Justice shall only Subscribe his Name to the Release without his Seal it is well enough, especially where the Recognizance is without Seal.

Or the Release of the Party may be by it self, thus.

**C. M**emorand' quod C. D. de S. in Com' predict' Teoman, 1 Die August' Anno &c. venit coram me J. B. Armig' uno Justiciar', dicti Domini Regis ad pacem in Com' predict' conservand' assignat' apud W. in Com' predict', & ibidem remisit & gratis relaxavit R. W. de S. in Com' predict' Laborer securitatem pacis per ipsum C. D. versus dictum R. W. coram me petitem, Dat' Die & Anno supradict'.

And if the Release be made before another Justice which took not, or hath not the Recognizance, it may be thus.

**C. M**emorand' quod A. B. de C. in Com' predict' Teoman, 1 Die &c. Anno &c. venit coram me R. H. Armig' uno Justiciar' dicti Domini Regis ad pacem in Com' predict' conservand' assignat' apud W. in Com' predict', & securitatem pacis quam habet versus J. S. de &c. penitus remisit & relaxavit, dat' Die & Anno supradictis.

Superfedeas.

LXXI. Lamb. 112, 113. Furthermore, if a man be bound before a Justice of the Peace to keep the Peace against all the Kings People, and to appear at the next Quarter Sessions, and do afterwards procure a *Superfedeas* out of the Chancery, testifying that he hath found Surety there against all the Kings People forever, this will discharge his Appearance at the Sessions, because the granting of this *Superfedeas* is the act of the King, which is the Fountain of Justice, and Controlet all other derived Authorities, Fitzh. 9. Crumpt. 139. § 12. & 141. b.

LXXII. Lamb. 113. But if that *Superfedeas* should testifie that he hath found Surety in the Chancery, only until a certain day (which day is after those Sessions) then Mr. Fitz-herbert thinketh, that his Appearance at the Sessions shall not be discharged by the *Superfedeas*, Crumpt. 139. § 13. In both these Cases also I would advise the Justice of Peace to send in as well the Recognizance as the *Superfedeas*, if it come to his Hands; for peradventure



ture the Recognizance was broken before the *Superfedeas* purchased, or if it were not, yet he shall not be excused, and the Recognizor never a whit the more endangered thereby.

LXXIII. *Lamb.* 113, 114. Lastly the death of the King dischargeth the Recognizance of the Peace, 1 *H.* 7. 2. *per Curiam*, so doth the death of the Recognisor, and so also doth the death of him at whose suit it was taken, if so be that it were made to keep the Peace against him alone, *Crompt.* 140. *b.* Abatement.

But although the Mainpervors or Sureties dye yet the Recognizance liveth, for if the Peace be broken after their deaths, their Executors shall be charged with it, 21 *Ed.* 4. 40. *Crompt.* 142. *b.*

Neither in the former Cases is the Recognizance discharged by such death, if it were forfeited before, and therefore here again my Counsel is to send in the Recognizance to the *Custos Rotulorum*, for otherwise how shall the Justice of Peace be assured that he doth not defraud the King of a forfeiture that was grown unto him, *Crompt.* 141. *b.* *Dalt.* 177. cap. 71.

LXXIV. *Lamb.* 115 If a Man be bound to keep the Peace against *A.* and do afterwards threaten *A.* to his face that he will beat him, he hath forfeited his Recognizance: And an Action of Trespass lieth at the Common Law against him that shall threaten one to beat him, as appeareth by 33 *H.* 6. 18. *b.* 37 *H.* 6. 20, &c. and shall suppose it to be *contra pacem*. But otherwise it is, if *A.* be not present at that threatening by good opinion, 18 *Ed.* 4. 28. yet if in the absence of *A.* he doth threaten that he will beat him, and then do afterward lye in wait to beat him, he hath in that Case also broken his Recognizance, 22 *Ed.* 4. 35. *b.* *per Curiam*, *Crompt.* 136, 137. *Lamb.* 127. *Dalt.* 177. cap. 72. Menace.

LXXV. *Lamb.* 113. Like forfeiture is it if he that is bound do but command or procure another to break the Peace upon any man, or to do any other unlawful act against the Peace, if that it be done indeed, *tempus H.* 8. Peace, *Br.* 20. & 7 *H.* 4. 34. *Dalt.* 178. cap. 72.

LXXVI. *Crompt.* 135. If a man be not in fear that *A.* will beat him, or &c. yet if he doubts that he will procure this, or procure another to kill his Cattle, or do evil to them, or to burn his Houses, or such like, he must take his Oath expressly for this whereof he stands in doubt, as it seemeth, for it may be he stands in doubt of one and not of another. Oath.

LXXVII. *Crompt.* 136. A Justice of Peace makes a Warrant to the Sheriff to Attach another, and to carry him to the Sessions to be bound to the Peace, and that in the mean time he bind him to the Peace, and for his appearance at the Sessions aforesaid: Quære, if this Precept that he do bind him *ut supra* be good, but the Justices of *B. R.* may command the Sheriff, as appears *F. N. B.* 79. *Lamb.* 187. *Dalt.* 330. cap. 117. *Dalt.* 183. cap. 73.

LXXVIII. *Crompt.* 136. *b.* *Nota*, Where any Recognizance shall be forfeit which is taken for the Peace, that Act must be done to the person that shall be a breach of the Peace, by *Marrow*, *lect.* 7. *Lamb.* 115. *Dalt.* 178. cap. 72. & 2 *H.* 7. 1.

LXXIX. *Dalt.* 177. cap. 72. Whatsoever act is a breach of the Peace, the doing or intending thereof against the person of another, being present, is a forfeiture of this Recognizance, *Crompt.* 137. *ab.*

LXXX. *Crompt.* 136. *b.* 137. If a man corrects his Wife, Servant or Child Affray. reasonably its no breach of the Peace, &c. *Marrow*, *lect.* 7. & 21 *Ed.* 6. 53.

A Master may beat another in defence of his Servant, for fear of losing his Servant; and so he may do in defence of his Wife and Children; and so a Servant in defence of his Master may beat another, and no breach of the Peace, &c. *Ibidem.* see 21 *H.* 7. 41. 35 *H.* 6. 56. & 9 *Ed.* 4. 51.

A Child may beat another in defence of his Father or Mother, and no breach, &c. *Ibidem*.

A man may beat another in defence of his Goods, and no breach, &c. *ibid.* & 9 *Ed. 4. Trespass*. The Case is, that if a man will take anothers Goods, he may lay his hands upon him and disturb him, and if he will not let them go, he may beat him rather then suffer him to carry them away, *libr' Intr'* 553. 189. *Dalt.* 181. cap. 72.

To beat a Man that is Mad with Rods, and bind him is no breach of the Peace, 22 *Aff.* 56. 22 *Ed.* 4. 44. *Dalt.* 179. cap. 72.

LXXXI. *Crompt.* 137. *b.* A Justice of Peace enjoyns a man on pain of 10 *li.* to keep the Peace, It avails nothing, by *Marrow lect.* 6. *Crompt.* 123. § 9. & 135. *a.*

Officer.

LXXXII. *Crompt.* 137. *b.* § 17. If a Clerk of the Peace gives, or makes promise to give any thing in consideration of having the said Office of Clerk-ship, he shall be by this disabled of having and occupying the said Office, 5 & 6 *Ed.* 6. 16. §. N.

Oath.

LXXXIII. *Crompt.* 139. *b.* § 18. *Nota*, The Clerk of the Peace must take in the same Court where he is to serve the Oath of Supremacy, before he shall be permitted, allowed or suffered to exercise the said Office, 5 *Eliz.* 1. § 19. N. 3.

Justices.

LXXXIV. *Crompt.* 140. § 20. In an Appeal of Maim, the Court took surety of the Peace of both Parties by their discretion by four Mainpervors, until the Plaintiffs wound were Cured, each in 40 *li.* to the King, 21 *Aff.* 27. *Error, Br.* 64. and so may Justices of Peace, as it seemeth, on view in Court of the wound and maim.

Appearance.

LXXXV. *Crompt.* 140. *b.* If a man be bound to the Peace, and to appear at a certain day, he must appear at this day, and Record his appearance, tho he that demands the Peace comes not, otherwise the Recognizance shall be forfeit, 39 *H. 6.* 26. *Dalt.* 174. cap. 71. and though the Justice doth not return the Recognizance to the Sessions, yet the Party must appear and Record his appearance, as where a Sheriff takes an obligation to appear in *C. B.* &c. he must appear there and Record his appearance at the day, otherwise the obligation shall be forfeit, though the Sheriff doth not return the Writ, 18 *Ed.* 4. 18. *Condition Br.* 162.

Supplicavit.

LXXXVI. *Crompt.* 140. *b.* When a *Supplicavit* of the Peace is directed to the Sheriff, and to all the Justices, and is delivered to one of them, he alone shall execute the Writ, and he that is Attacht by virtue of this Writ cannot go to be bound before any other Justice, &c. 21 *H.* 7. 22. *Crompt.* 141. & 9 *Ed.* 4. 32. *Dalt.* 182. cap. 73.

Recognizance.

LXXXVII. *Crompt.* 141. If a Man forfeits the Recognizance of the Peace, yet until he be thereof Convict by course of Law, he shall not be forced to find new Security, for before Conviction it stands indifferent whether he hath forfeited the Recognizance or not, but after he is Convict of breach of the Peace, then he shall be bound anew, 21 *Ed.* 4. 40. 10 *H.* 7. 11. *Crompt.* 142. *b.* 152. § 4. *Lamb.* 78. *suprà* 11. *Dalt.* 159. cap. 67.

LXXXVIII. *Crompt.* 141. *Nota*, if a Man be bound to the Peace, and his Sureties be not sufficient, another Justice may force him to find better Surety, because the Precept is *ad inveniend' suffic' securitat'*, *Marrow lect.* 6. *Dalt.* 174. cap. 70.

LXXXIX. *Crompt.* 142. When the Conusor hath forfeit his Recognizance, and paid his Mony, the Court *Ex Officio* shall Award him to Prison until he hath found Surety *de novo*, because the Ancient Surety is determined, and it appears to the Court that he is a Transgressor of the Law, and therefore shall have the rigor of the Law, 21 *Ed.* 4. 48.

XC. *Crompt.* 142. *b.* If Sureties be dead, and the King's Serjeant or Attorney surmisseth this to the Court, they shall not compel the party to find new

new Surety, for it was said at the Court, that they can take no regard to any such surmise, because the Executors of the Sureties are charged for the breach of the Peace, and so no mischief, 21 *Ed.* 4. 48. *Lamb.* 113, 114.

XC. *Crompt.* 141. *b.* The Justice of Peace may take a Recognizance to keep the Peace for a year if he will, or a longer time by his discretion, *viz.* forever for reasonable Cause, *Marrow, leet.* 6. *Jones Br.* 71. *Dalt.* 171. 172. cap. 69. Days.

XCII. *Crompt.* 142. *b.* It was held 21 *Ed.* 4. 48. if a Man be bound to the Peace, and no day limit how long, &c. that none can discharge this all his lifetime by Release or otherwise.

XCIII. *Crompt.* 142. *b. Nota,* That the opinion of all the Justices that a Constable may take Security of the Peace, but upon no pain; and if he will not he hath power to imprison him until he hath found Surety, 3 *H.* 4. 10. See 10 *Ed.* 4. 18. It's said he may take an Obligation to keep the Peace. Constable.

XCIV. *Crompt.* 143. *b.* If one breaks the Peace the whole Recognizance is forfeit, where a Man is bound for him and his Servants to keep the Peace, 4 *H.* 7. 8. Joinder.

XCV. *Crompt.* 143. *b.* The King and the Counfor are at Issue on the breach of the Peace, and the King waves the issue, yet the Recognizance is not discharged, but a new *sc' fac'* may be Awarded for the breach of the Peace afterwards, but not upon that breach for which he was Impeacht before, *per Cur'* 10 *H.* 7. 11. & 21 *Ed.* 4. 40. *Dalt.* 177. cap. 71. Forfeiture.

XCVI. *Crompt.* 144. The Peace must be granted against him that is an impotent person, though he be not likely to break the peace, because he may procure a stranger to kill the other who demands the Peace, for the words of the Recognizance are, by *B.* or his procurement, &c. Ability.

XCVII. *Crompt.* 144. *b.* The Husband is bound that he and his Wife shall appear at such a Sessions, and that they keep the Peace; in the mean time at the day the Husband appears, but not the Wife, the Recognizance is not forfeited, because if there be any Cause further to find Surety, the Husband shall be bound and not the Wife, and therefore the appearance of the Wife is not material, as it seemeth, *Crompt.* 133. *b.* *Dalt.* 163. cap. 68. & 175. cap. 71. Bar. & Feme.

XCVIII. *Crompt.* 144. *b.* A man hath a *Supplicavit* of the Peace out of the Chancery, to bind *A. B.* to the Peace, and to certify the Recognizance into Chancery without delay; now if *A. B.* be taken he shall be bound to the Peace for ever, for it is not contained that he shall bind him to the Peace until any certain time, but generally; therefore to prevent this *A. B.* before he is Attacht, must bind himself in the Chancery until a certain day, and have a *Superfedeas* into the Country to the Justices and Sheriff, to cease to compel *A. B.* to find Surety on the said Writ of *Supplicavit*, *Lamb.* 112, 113. Superfedeas.

XCIX. *Crompt.* 145. § 5. One Justice of Peace cannot by *Superfedeas* discharge a Precept of another Justice, awarded to find Surety of the Peace before that he is bound in fact, which see *Crompt.* 138. *b.* § 9, 10. *Lamb.* 96. *supra* 40.

C. *Crompt.* 145. § 6. A Justice of Peace cannot Award a *Superfedeas* to appear at any other Sessions then is appointed by the other Justice, who hath bound him to the Peace before, to appear at a certain Sessions.

CI. *Dalt.* 160. cap. 67. Note also, The Surety for the Peace shall not be granted but where there is a fear of some present or future Danger, and not meerly for a Battery or Trespass that is past, or for any breach of the Peace that is past, for this Surety of the Peace is only for the Security of such as are in fear. Affray.

CII. *Dalt.* 161. cap. 67. If the Justice of Peace shall perceive that this Surety for the Peace is demanded meerly of malice, or for vexation only, without Justices.



without any just cause of fear; it seemeth he may safely deny it, as in common experience we find it, that where *A.* shall upon just Cause come and crave the Peace against *B.* and hath it granted; *B.* will likewise crave the Peace against *A.* and will perhaps surmise some Cause, but yet will be content to surcease so *A.* will relinquish against him, here the Justice shall do well, as I think not to be too forward in granting the Peace to *B.* yet if *B.* will not be perswaded but will take his Oath, that he is in fear, where indeed he neither doth fear, nor hath any cause, this Oath shall discharge the Justice, and the fault shall remain upon such Complainant.

Behaviour.

CIII. *Dalt.* 161. cap. 67. And when the Justice hath so granted the Peace to one that in the Justices judgment shall crave or require it only out of malice, or for vexation, the Justice may presently in good discretion bind him to the good behaviour that so required the Peace.

Release.

CIV. *Dalt.* 176. cap. 71. But yet it is now holden, That neither the Justice of Peace, nor the Party can discharge the Recognizance of the Peace by their Release out of the Sessions, &c. and therefore notwithstanding that the Justice of Peace out of Sessions shall make, or take any Release of the Peace, yet it shall be safe for the Party bound to appear for the safe-guard of his Recognizance, &c. *Lamb.* 110, 111.

Supplicavit.

CV. *Dalt.* 185. cap. 73. And for this manner of Oppression (*viz.* by obtaining *Supplicavit* &c.) grew over Common, therefore by 21 *Jac.* 8. §. N. It is now Enacted, that all Procefs of the Peace or good Behaviour, to be Granted out of the *Chancery*, or *B. R.* against any Person whatsoever, at the Suit of any other shall be void, unless such Procefs shall be granted upon motion first made before the Judges of the same Court sitting in open Court, and upon Declaration in writing, upon Oath of the Causes for which such Procefs shall be granted, and unless that such Motion and Declaration be mentioned, to be made upon the back of the Writ, the same writings to be there Entred of Record, and if after it shall appear to the said Courts, that the said Causes expressed in such writing be untrue, then the Court may award Costs and Damages to the Party grieved, and may also Commit to Prison the Offenders until they pay the said Costs and Damages.

CVI. *West Symb.* 2. part 129. b. sect. 203. An Indictment of a Common Barretor.

Norff. ff.

**I**nquiratur pro domino rege &c. si J. S. Nuper de C. in Com' N. Laborerest homo malæ Conversationis & Gubernationis, ac communis Barrator & pacis Domini regis Perturbator.

Et quod idem J. S. apud C. predict' in Com' N. predict' custodit, tenet & occupat quandam Domum sive Tabernam non habent' usuale signum, apte apposit' vulgariter dict' a blind Tavern.

Et quod primo die Junii &c. necnon diversis diebus & noctibus antea & postea in eandem Domum diversos homines malæ Conversationis, & suspect' venient' omnibus horis tam noctis quam diei recipit, & hospitatus est per quod vicini sui ac alii ligei populi dicti Domini Regis ibidem multipliciter vexantur inquietantur & gravantur, & ministri Domini Regis propter pacis Conservationem, officia sua ibidem exercere & exequi prohibentur, & sepenumero in periculo Amissionis vitæ & Læsionis Corporum suorum quotidie existunt.

Et quod J. uxor predict' J. S. est communis objugatrix tam cum vicinis quam cum aliis ligeis dicti Domini Regis, per quod populi dicti Domini Regis multipliciter molestantur, inquietantur & gravantur contra pacem dicti Domini Regis &c.

Pedlers,

*Pedlers*, see *Poor*.  
*Penal Laws*, see *Information*.  
*Pensions*, see *Poor*.  
*Peers*, see *Dignity*.  
*Perjury*, see *Oath*.  
*Pety Larceny*, see *Coron. Trespasses*.  
*Pety Constable*, see *Constable*.  
*Pety Sessions*, see *Constable*.  
*Pety Treason*, see *Treason*.  
*Pewter*, see *Mettle*.

## ( Physicians. )

**I.** *Amb.* 3. cap. 4. pag. 368. Every Justice of Peace, that dwelling Justices within Seven Miles of *London*, doth not upon request assist the Colledge of Physicians of *London* in the Execution of the Statute, 32 *H.* 8. 8. shall be punished as one that runneth in Contempt of the King, 1 *Mar.* 1. St. 2. cap. 9. § 6. N. 1.

*Pictures*, see *Religion*.  
*Pillory*, see *Coron. Imprisonment*.  
*Pyracy*, see *Admiral*.  
*Playes*, see *Games*.  
*Plague*, see *Poor*.  
*Plaints*, see *Information*.

## ( Pleading. )

*Demurrer, Traverse, General Issue, Proof.*

**I.** *Amb.* 4. cap. 13. pag. 531, 532. Some things be common to Peers and Commoners, for if the Party charged will Demur in Law upon the Evidence, the Justices ought to Record his Demurrer: so if he will plead in Justification any matter of Record that is before other Justices, they ought to give him day to bring it in, by *Marrow*.

**II.** *Lamb.* 532. But if the Prisoner plead a Pardon before them, in which certain Persons be excepted, and the Kings Attorney is not present to joyn Issue, that he which pleadeth it is one of those that be excepted, then they themselves may supply the Office of the Attorney in that behalf, 8 *Ed.* 4. 7.

**III.** *Lamb.* 533. This Liberty of Traverse is commonly restrained to Indictment of Trespasses, Contempts, Riots, &c. and other Inferior Offences within the Commission or Statutes Authorizing the Justices of Peace, and is not usually extended to Treasons or Felonies.

IV.

IV. *Lamb.* 533, 534. *Mr. Brooke* (in *Traverse de Office, Br. 10.*) notes h. That it is not much used to Traverse Indictments before Justices of the Peace; but rather to remove them in *B. R.* and to Traverse them there, howbeit common experience at this day can shew many Traverses before Justices of the Peace also, and there is no doubt, but as Justices of Peace have power to Award Process, and the Parties also have Liberty to speak for themselves, so having spoken, the Justices may hear and determine of their Speech, whether it touch them in Freehold or otherwise.

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Poor,



P O O R

*Vagabonds, Beggars, Worke-houses, Settlement, House of Correction, Wanderers, Removal, Labourers, Apprentice.*

**C** Rompt. 184. b. He that hath not sufficient of his own to occupy shall be *Ability.*  
compelled to serve, *F. N. B.* 168

11. 23 *Ed.* 3. 7. *Item*, Because that many Valiant Beggars as long as they *Charity.*  
may live of Begging do refuse to labour, giving themselves to Idleness and  
Vice, and sometimes to Theft and other Abominations: None upon the said  
pain of Imprisonment, shall under the Colour of Pity or Alms, give any  
thing to such which may labour, or presume to favour them towards their  
desires: So that thereby they may be compelled to labour for their neces-  
sary living, *Ec.* 1 *Ed.* 6. 3. § *N.* 21 *Jac.* 28. § *N.*

III. 7 *Rich.* 2. 5. § 1. *N.* 2. And moreover it is ordained and assented to *Justices.*  
restrain the malice of divers people Flitors and wandering from place to  
place, running in the Country more abundantly than they were wont in  
times past, that from henceforth the Justices of Assises in their Sessions,  
The Justices of Peace, and the Sheriffs in every County, shall have power  
to enquire of all such Vagabonds and Flitors and of their offences, and  
upon them do that the Law demandeth, 39 *Eliz.* 4. § *N.* and 21 *Jac.*  
28. § *N.*

IV. 7 *Rich.* 2. 5. § 1. *N.* 3. And that as well the Justices and Sheriffs, as *Goodbehavior*  
the Mayors, Bayliffs, Constables, and other Governours of Towns, and  
places where such Flitors and Vagabonds shall come, shall from henceforth  
have power to Examine them diligently, and to compel them to find surety  
of their good abearing by sufficient mainpernours of such as be distrain-  
able, if any default be found in such Flitors and Vagabonds, 39 *Eliz.* 4.  
§ *N.* and 21 *Jac.* 28. § *N.*

V. 7 *Rich.* 2. 5. § 1. *N.* 4. And if they cannot find such surety, they shall *Imprisonment*  
be sent to the next Goal, there to abide till the coming of the Justices af-  
signed for the deliverance of the Goals, who in such case shall have power,  
to do upon such Flitors and Vagabonds so Imprisoned, that thereof to  
them best shall seem by the Law, 39 *Eliz.* 4. § *N.* and 21 *Jac.* 28. § *N.*  
and 11 *H.* 7. 2.

VI. 12 *Ric.* 2. 7. *Item*, It is accorded and assented that of every per- *License.*  
son that goeth Begging, and is able to serve or labour, it shall be done  
of him, as of him that departeth out of the hundred and other places  
aforesaid, without Testimonial as aforesaid, except people of Religion and  
Hermites having letters Testimonial of their Ordinaries, 1 *Ed.* 6. 3. § *N.*  
and 21 *Jac.* 28.

VII. 12 *Rich.* 2. 7. § 1. *N.* 2. And that the Beggars Impotent to serve, shall *Settlement.*  
abide in the Cities and Towns where they be dwelling at the time of the  
Proclamation of this Statute, and if the people of Cities or other Towns,  
will not or may not suffice to find them, that then the said Beggars shall  
draw them to other Towns within the Hundred, Rape or Wapen-take: Or  
to the Towns where they were born, within forty days after the Procla-  
mation made, and there shall continually abide during their Lives, 1 *Ed.*  
6. 3. § *N.* 21 *Jac.* 28. § *N.*

VIII. 12 *Ric.* 2. 7. § 1. *N.* 3. And that of all them that go in Pilgrimage, as *Religion.*  
Beggars, and beable to travail, it shall be done as of the said Servants and  
Labourers, If they have no letters Testimonial of their Pilgrimage under the  
said Seals, 1 *Ed.* 6. 3. 21 *Jac.* 28.

- Scholars.* IX. 12 Ric. 2. 7. § 1. N. 4. And that the Scholars of the Universities that go so Begging have letters Testimonial of their Chancellor upon the same pain, 1 Ed. 6. 3. § N. and 21 Jac. 28. § N. 39 Eliz. 3. § N.
- Ouster le mer.* X. 12 Ric. 2. 8. 8. Item, it is ordained and assented that they that sail themselves men travailed out of the Realm and there to be imprisoned, shall bring Letters Testimonial of the Captains where they were abiding, or of the Mayors or Bailiffs, where they arrived 21 Jac. 28. § N.
- Passports.* XI. 12 Ric. 2. 8. § 1. N. 2. And the same Mayors and Bayliffs, shall enquire of such people where and with whom they have dwelled, and in what place their dwelling is in England: And that the same Mayors and Bayliffs make them Letters Patents under the Seal of their Office, testifying the day of their arrival, and also witnessing where they have been as they have said 21 Jac. 28. § N.
- Oath.* XII. 12 Ric. 2. 8. § 1. N. 3. And that the Mayors and Baliffs, cause them to Swear, that they shall hold their right way towards their Journey, except they have Letters Patents under the Kings Great Seal to do otherwise, 21 Jac. 28.
- Pain.* XIII. 12 Ric. 2. 8. § 1. N. 4. And if any such travailed man be found without such Letter, as afore is said, it shall be done of him as of the said Servants and Labourers; and also this Ordinance shall be intended of men travailed that go begging through the Country after their arrival, 21 Jac. 28. § N.
- Appropriation* XIV. 15 Ric. 2. 6. § 1. N. 2. It is agreed and assented that in every Licence from henceforth to be made in the Chancery, of the Appropriation of any Parish Church, it shall be expressly contained and comprised, that the Diocefan of the place upon the Appropriation of such Churches, shall ordain according to the value of such Churches, a convenient sum of money to be paid and distributed yearly of the fruits and profits of the same Churches, by those that will have the said Churches in proper use, and by their Successors, to the Poor Parishioners of the said Churches, in aid of their living and sustenance for ever.
- Abbe.* XV. 2 H. 5. 1. § 1. N. 2. The King, &c. hath, &c. ordained and established that as to the Hospitals which be of the Patronage and Foundation of the King, the Ordinaries by vertue of the Kings Commissions to them directed, shall enquire of the manner and foundation of the said Hospitals, and of the Governants and Estate of the same, and of all other matters necessary and requisite in this behalf, and the Inquisitions thereof taken shall certify in the Kings Chancery,
- Ordinary.* XVI. 2 H. 5. 1. § 1. N. 3. And as to other Hospitals, which be of another Foundation and Patronage, than of the King, the Ordinaries shall inquire of the manner of the Foundation, Estate and Governance of the same, and of all other matters and things necessary in this behalf, and upon that make thereof correction and reformation according to the Laws of Holy Church, as to them belongeth.
- Imprisonment* XVII. 11 H. 7. 2. Forasmuch as the Kings Grace most intirely desireth among all earthly things the prosperity and restfulness of this his land, and his Subjects of the same to live quietly and surely, to the Pleasure of God, and according to the Laws, willing always of his Pity, intending to reduce them thereto by softer means than by such extream Rigor, therefore provided in a Statue made in the time of Ric. 2. (viz. 7 R. 25.) considering also the great charges that should grow to his Subjects, for bringing of Vagabonds to the Goals, according to the same Statute, and the long abiding of them therein, whereby by likelihood many of them should loose their lives, 19 H. 7. 12.
- Imprisonment* XVIII. 11 H. 7. 2. § 1. N. 3. In moderating of the said Statute (viz. 7. R. 2. 5. § 1.

5. § 1. N. 4. ) his Highness will by the Authority of this present Parliament, it be ordained and enacted, that where such misdoers should be by Examination Committed to the Common Goal, there to remain as is afore- said, that the Sheriffs, Mayors, Baliffs, high Constables, and petty Constables, and all other Governours and Officers of Cites, Boroughs, Towns, Town- ships, Villages, and other places within three days after this act Proclaimed, make due search, and take, or cause to be taken, all such Vagabonds, idle and suspect persons living suspitiously, and them so taken to set in Stocks, there to remain by the space of three days, and three nights, and there to have none other sustenance but bread and water, 21 Jac. 28. § N. and 19 H. 7. 1. 2. § 1. N. 2.

XIX. 11 H. 7. 2. § 1. N. 3. And after the said three days, and three nights, *Lieu.* to be had out and set at large, and then to be commanded to avoid the Town, and if Esfoons he be taken in such default in the same Town or Township, then to be set in likewise in the Stocks by the space of six days, with like dyet as is afore rehearsed, 19 H. 7. 12. § 1. N. 5.

XX. 11 H. 7. 2. § 1. N. 4. And if any person or persons, give any o- *Charity:* ther meat or drink to the said misdoers, being in the Stocks, in form afore said, or the same Prisoners favour in their misdoing, that then they forfeit for e- very time so doing twelve pence, 19 H. 7. 12. § 1. N. 6.

XXI. 11 H. 7. 2. § 1. N. 5. And also it is ordained, &c. That all manner *Lieu.* of Beggars notable to work within six Weeks after the Proclamation made of this Act, go, rest and abide in that Hundred where last he dwelled, or there where he is best known or born there to remain or abide without beg- ging out of the said Hundred upon, pain to be punished as is afore said, 19 H. 7. 12. § 1. N. 5.

XXII. 11 H. 7. 2. § 1. N. 8. And that no man be excused by that he is a *Scholars.* Clerk of one University or of other, without he shew the Letters of the Chancellor of the University, from whence, he saith, he cometh: nor none other, calling himself a Souldier, Shipman or Travelling man, without he bring a Letter from his Captain, or from the Town where he landed, and that he then be commanded to go the straight High-way into his Country, 19 H. 7. 12. § 1. N. 6.

XXIII. 11 H. 7. 2. § 1. N. 9. And over this, it is ordained, &c. that if *Officers.* any Sheriff, or other Officer afore rehearsed, execute not the premises, as is above said, of every Vagabond, Hermite, or Beggar able to labour, or Clerk, Pilgrim, or Shipman, as oft as any such cometh in his sight, or that he hath thereof knowledg, within the Town where he hath authority, rule, and governance, that as oft as any such of the said Misdoers, abiding thereby the space of a day, depart unexamined, and unpunished, as is above said, for every misdoer so departed he to lose 12. d. 19 H. 7. 12. § 1. N. 7.

XXIV. 11 H. 7. 2. § 1. N. 10. And that the Lord of every Leet with- *Leet.* in this Realm, and the Sheriff in his Tourn, have Authority to enquire there- of in his Leet and Tourn; and the Lord of the Leet to have for every de- fault found, as is above said, 1 s. 8 d. and the Sheriff to enquire in his Tourn of such escapes within the Jurisdiction of his own, and to have 1 s. 8 d. for every such default found in his Tourn, 19 H. 7. 12. § 1. N. 11.

XXV. 11 H. 7. 2. § 1. N. 11. And that the penalty limited by this Ordi- *Forfeiture.* nance be forfeited by any Officer, or any other person, for non punishment of Vagabonds, and other misruled persons, within every City, where May- or and Aldermen be, that the profit of every such penalty be unto the Al- derman of that Ward, where such forfeiture is had or made, to his own pro- fit, 19 H. 7. 12. § 1. N. 12.

XXVI. 11 H. 7. 2. § 1. N. 12. And also it is ordained and enacted, &c. that *Distress.* it shall be lawful to every man intituled to have the penalty, to distrain  
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for it, in like wise, as the Lord of any Leet may do for Amerciaments and Fines had and assessed in the same Leet, 19 H. 7. 12. § 1. N. 13.

*Women.*

XXVII. 11 H. 7. 2. § 1. N. 14. Provided always that deminution of punishment of Vagabonds and Beggars aforesaid may and shall be had for women great with Child, and men and women in extream Sicknes by him that hath authority to do the said punishment, 19 H. 7. 12. § 1. N. 17.

*Alien.*

XXVIII. 22 H. 8. 10. For as much as before this time divers and many outlandish people, calling themselves *Ægyptians*, using no Craft nor Feat of Merchandise, have come into this Realm, and gone from Shire to Shire, and place to place in great Company, and used great subtlety and crafty means to decline the people, bearing them in hand, that they by Palmestry could tell Mens and Womens fortunes, and so many times by Craft and Subtlety have deceived the people of their mony, and also have committed many and hainous Felonies and Robberies to the great hurt and deccit of the people that they have come among, 1 & 2 Ph. & Mar. 4.

*Forfeiture.*

XXIX. 22 H. 8. 10. § 2. N. 1. Beit therefore, &c. ordained, &c. that from henceforth no such person be suffered to come within this the Kings Realm, and if they do, then they and every of them so doing, shall forfeit to the King, &c. all their Goods and Chattels, and then to be commanded to avoid the Realm, within fifteen dayes next after the commandment, upon pain of imprisonment, 39 Eliz. 3. § N. Lamb. 437.

*Seizure.*

XXX. 22 H. 8. 10. § 2. N. 2. And it shall be lawful to every Sheriff, Justice of Peace, and Escheator, to seize to the use of our Sovereign Lord, his Heirs and Successors, all such goods, as they or any of them shall have, and thereof to make account to our said Sovereign Lord in his Exchequer.

*Enquest.*

XXXI. 22 H. 8. 10. § 2. N. 3. And if it shall happen any such Stranger hereafter to commit within this Realm, any Muder, Robbery or any other Felony, and thereof be indicted and Arraigned, and to plead not Guilty, or any other plea tryable by the County, that then the Enquest that shall pass between the King and any such party, shall be altogether of English-men, albeit that the party so indicted pray *medietatem Lingue*, according to the Statute, Anno 8 H. 6. (*viz.* 8 H. 6. 29. § N. ) or of any other Statute thereof made.

*Exile.*

XXXII. 22 H. 8. 10. § 3. N. 1. Provided always that the *Ægyptians*, now being in this Realm, have monition to depart within sixteen dayes after Proclamation of this Statute amongst them shall be made, upon pain of Imprisonment and forfeiture of their goods and Chattels, and if they then so depart, that then they shall not forfeit their Goods nor any part thereof, this present Statute notwithstanding.

*Restitution.*

XXXIII. 22 H. 8. 10. § 4. N. 1. Provided always that every such person or persons, which can prove by two Credible persons before the same party, that seizeth such Mony, Goods, or Chattels of the same *Ægyptians*, that any part of the same Goods, Mony or Chattels, were craftily or Feloniously taken or stolen from him, shall be incontinently restored unto the same Goods, Mony or Chattels, whereof he maketh such proof before the same party, that so seizeth the same Mony, Goods or Chattels, upon pain to forfeit to the same party that maketh such proof, the double value of the same by action of debt, bill or otherwise, in any of the Kings Courts, to be sued, upon which action and suit he shall not be admitted to wage his Law, nor any protection or Effoin to be allowed, any thing in this Act to the Contrary notwithstanding.

*Seizures.*

XXXIV. 22 H. 8. 10. § 5. N. 1. Provided always and be it further Enacted, that if any Justice of Peace, Sheriff or Escheator, which by Authority of this Act have power to take or seize any Goods or Chattels, of any *Ægyptians*, at any time hereafter do seize or take the Goods or Chattels of any

any such *Aegyptians*, that then every such Justice, Sheriff or Escheator, doing the same, shall have, keep, and retain to his own use the moiety of all such Goods, so by him seized, and of the other moiety so by him taken or seized shall make answer and accompt to the King, in his Exchequer, according to the tenor of this present act, any thing in the same act contained to the contrary hereof, notwithstanding, and that upon any account hereafter to be made for the said other moiety, of the same Goods, the accountant shall pay no manner of fees, or other charges, for his account or discharge, to be had in the Kings Exchequer, nor elsewhere.

XXXV. *Lambert* 2 Cap. 7. pag. 195. 196. Every Justice of the Peace *Seizure.* may, (within one month after the arrival,) seize all the Goods of any Outlandish persons, calling themselves *Aegyptians*, that shall come into this Realm, and may also keep the one moiety thereof to his own use, making account to the King in the Exchequer, for the other moiety: And every person that can prove by two Credible Witnesses before him, that so seizeth, that any of those Goods were craftily or feloniously taken from him, shall be incontinently restored thereto, before the party that so seizeth them, upon pain of the double value thereof to be forfeited to such Prover, 22 H. 8. 10. § But note that after the Month, the offence is made Felony, and then it seemeth the King is to have the Goods wholly, 1 & 2 Ph. & Mar. 4. § N.

XXXVI. *Lambert* 364. 365. And every Justice of the Peace is allowed *Seizure.* to retain to his own use, the one moiety of all strangers Goods, calling themselves *Aegyptians*, that he shall lawfully seize by vertue of this Statute, 22 H. 8. 10. § 5. N. 1. *Crompt* 178. and 195. § 13.

XXXVII. *Lambert* 366. That Justice of the Peace which seizeth the Goods of any *Aegyptians*, and doth not Incontinently restore such part thereof, as shall be proved before him to have been Craftily or Feloniously taken, shall forfeit the double thereof to such Provers, 22 H. 8. 10. § 4. N. 1. *Restitution.*

XXXVIII. *Crompt* 129. § 32. If any Outlandish Person, naming himself an *Aegyptian*, or any such stranger commits any Murder, Felony or Robbery, and upon his Arraignment, pleads not Guilty, or any other plea tryable by the Country, the Enquest in this Case shall be all of English, 22 H. 8. 10. § 2. N. 3. And so shall the Enquest be where any of the said *Aegyptians* is Indicted of Felony, for continuance within this Realm by the space of a month, Contrary to 1 & 2 Ph. & Mar. 4. § N. and 5 Eliz. 20. *Enquest.*

XXXIX. 22 H. 8. 12. Where in all places throughout this Realm of *England*, Vagabonds and Beggars, have of long time increased, and daily do increase in Great and Excessive Numbers, by the occasion of Idleness, the Mother and Root of all Vices, whereby hath Insurged and sprung, and daily Insurgeth and springeth continual Thefts, Murders and other sundry hainous Offences and great Enormities, to the high displeasure of God, the inquietation and dammage of the Kings people, and to the marvellous disturbance of the commonweal of this Realm 35 Eliz. 7. § 25. N. 1. *Laborers.*

XL. 22 H. 8. 12. § 1. N. 2. And whereas many and sundry good Laws, strict Statutes and Ordinances, have been before this time devised and made, as well by the King our Sovereign Lord, as also by divers his most noble Progenitors Kings of *England*, for the most necessary and due reformation of the premises, yet that notwithstanding the said numbers of Vagabonds and Beggars be not seen in any parts to be punished, but rather daily augmented and increased into great Routs and Companies, as evidently and manifestly it doth and may appear. *Contempt.*

XLI. 22 H. 8. 12. § 1. N. 3. Be it therefore enacted, &c. That the Justices of the Peace, of all and singular the Shires of *England* within the limits of *Justices.*

of their Commissions, and all other Justices of Peace, Mayors, Sheriffs, Bailiffs and other Officers, of all and every City, Borough, Riding or Franchis whereof they be Justices of Peace, Mayors, Sheriffs, Bailiffs or Officers, and so being divided, shall make diligent search and enquiries of all Aged Poor and impotent Persons which live, or of necessity be compelled to live by Alms of the Charity of the People that be or shall be hereafter abiding within every Hundred, Rape, Wapentake, City, Borough, Parish, Liberty or Franchis within the limits of their Division, and after and upon such search made, the said Justices of Peace, Mayors, Sheriffs, Bailiffs and other Officers, that is to say every of them within their limits of their Authorities whereunto they be divided, shall have Power and Authority by their Discretions, to enable to beg within such Hundred, Rape, Wapentake, City, Town, Parish or other Limits as they shall appoint such of the said Impotent persons which they shall find and think most convenient within the limits of their Division, to live of the Charity and Alms of the People, and to give in Commandment to every such Aged and Impotent Beggar by them enabled, that none of them shall beg without the limits to them so appointed.

Records.

XLII. 22 H. 12. § 1. N. 4. And shall also register and write the names of every such Impotent Beggar by them appointed, in a Bill or Roll Indented, the one part thereof to remain with themselves, and the other part by them to be certified before the Justices of Peace at the next Sessions after such search had, to be holden without the said Shires, Cities, Towns or Franchises, there to remain under the keeping of the *Custos Rotulorum*.

Seals.

XLIII. 22 H. 8. 12. §. 1. N. 5. And that the said Justices of Peace, Mayors, Sheriffs, Bailiffs and other Officers, that is to say, as they be divided, shall have Power and Authority to make such and so many Seals to be Ingraved with the Names of the Hundreds, Rapes, Wapentakes, Cities, Boroughs, Towns or places within the which they shall appoint and limit every such Impotent Person to beg, and commit the said Seals to the custody of such of them, or to the custody of such other as they shall think convenient.

Licenſe.

XLIV. 22 H. 8. 12. §. 1. N. 6. And shall make and deliver to every such Impotent Person by them enabled to beg, a Letter containing the name of such Impotent Person, and witnessing that he is Authorized to beg, and the limits within which he is appointed to beg.

Seals.

XLV. 22 H. 8. 12. § 1. N. 7. The same Letter to be sealed with such of the said Seals as shall be engraved with the names of the limits wherein such Impotent Person shall be appointed to beg in, and to be subscribed with the name of one of the said Justices or Officers abovesaid.

Licenſe.

XLVI. 22 H. 8. 12. §. 1. N. 8. And if any such Impotent Person so authorized to beg, do beg in any other place than within such limits that he shall be assigned unto, that then the Justices of Peace, Mayors, Sheriffs, Bailiffs, Constables, and all other the Kings Officers and Ministers, shall by their discretions punish all such persons by Imprisonment in the Stocks, by the space of two days and two nights, giving them but only bread and water, and after that cause every such Impotent Person to be sworn to return again without delay to the Hundred, Rape, Wapentake, City, Borough, Town, Parish or Franchis where they be Authorized to beg in.

Licenſe.

XLVII. 22 H. 8. 12. §. 2. N 1. And it is Enacted, that no such Impotent Person as is abovesaid, after the Feast of the Nativity of St. *John Baptist* next coming, shall beg within any part of this Realm, except he be Authorized by Writing under Seal, as is abovesaid; and if any such Impotent Person after the Feast of St. *John*, be Vagrant and go a begging, having no such Letter under Seal, as is above specified, that then the Constables and all other Inhabitants within such Town or Parish, where such person shall beg, shall

-cause



cause every such Beggar to be taken and brought to the said Justice of Peace or High Constable of the Hundred.

XLVIII. 22 H. 8. 12. § 2. N. 2. And thereupon the said Justice of Peace *Pain.* or high Constable, shall command the said Constables, and other Inhabitants of the Town or Parish, which shall bring before him any such Begger, that they shall strip him naked, from the middle upward, and cause him to be whipped within the Town, where he was taken, or within some other Town, wherethe same Justice or high Constable shall appoint, if it shall seem to the discretion of the said Justice of Peace, or high Constable, that it be convenient so to punish such Beggars to him brought.

XLIX. 22 H. 8. 12. § 2. N. 3. And if not, then to command such Beg- *Imprisonment* ger to be set in the Stocks in the same Town or Parish where he was taken, by the space of three days and three nights, there to have only bread and water.

L. 22 H. 8. 12. § 2. N. 4. And thereupon the said Justice or high Con- *Lien.* stable, afore whom such Begger shall be brought, shall limit to him a place to beg in, and give him a Letter under Seal, in form above remembred, and swear him to depart, and repair thither immediatly after his punishment to him executed.

LI. 22 H. 8. 12. § 3. N. 1. And be it further Enacted, &c. That if any *Ability.* person, &c. Being hole and mighty in Body, and able to labour, at any time after the said Feast of Saint John, be taken in Begging in any part of this Realm, or if any Man or Woman, being hole and mighty in Body, and able to labour, having no Land, Master, nor using any lawful Merchandize, Craft or Mystry, whereby he might get his living, after the same Feast be Vagrant, and can give no reckning how he doth lawfully get his living, that then it shall be lawful to the Constables, and all other the Kings Officers, Ministers and Subjects, of every Town, Parish and Hamlet, to Arrest the said Vagabonds and Idle persons, and them bring to any of the Justices of the Peace, of the same Shire or Liberty, or else to the high Constable of the hundred, Rape or Wapentake, within which such persons shall be taken, and if he be taken within any City or Town Corporate, then to be brought before the Mayor, Sheriff or Bailiff, of every such Town Corporate.

LII. 22 H. 8. 12. § 3. N. 2. And that every such Justice of Peace, high *Pain.* Constable, Mayors, Sheriffs and Bailiffs, by their discretions shall cause every such Idle person, so to him brought, to be had to the next Market Town, or other place where the said Justice of Peace, high Constable, Mayors, Bayliffs, and other Officers shall think most convenient by his or their discretions, and there to be tyed to the end of a Cart naked, and be beaten with Whips throughout the same Market Town, or other place, till his body be bloody, by reason of such Whipping.

LIII. 22 H. 8. 12. § 3. N. 3. And after such punishment and whipping *Oath.* had, the person so punished by the discretion of the Justice of Peace, high Constable, Mayor, Sheriffs, Bailiffs, and other Officers afore whom such persons shall be brought, shall be enjoyned upon his Oath to return forthwith without delay in the next and strait way, to the place where he was born, or where he last dwelled before the same punishment by the space of three years, and there to put himself to labour, like as a true man ought to do.

LIV. 22 H. 8. 12. § 3. N. 4. And after that done, every such person so *Passport.* punished and ordered, shall have a Letter Sealed with the Seal of the Hundred, Rape Wapentake, City, Borough, Town, Liberty, or Franchis, wherein he shall be punished, Witnessing that he hath been punished according to this Statute, and containing the day and place of his punishment, and

and the place whereunto he is limited to go, and by what time he is limited to come thither, within which time, he may lawfully Beg by the way, shewing the same Letter, and otherwise not.

*Proces.*

LV. 22 H. 8. 12. § 3. N. 5. And if he do not accomplish the order to him appointed by the said Letter, then to be Eftsoons taken and whipped, and so as often as any default shall be found in him contrary to the order of this Statute, in every place to be taken and whipped till he be repaired where he was born, or where he last dwelled by the space of three years, and there put his body to labour for his living, or otherwise truly get his living without begging, as long as he is able so to do.

*Imprisonment*

LVI. 22 H. 8. 12. § 3. N. 6. And if the person so whipped, be an Idle person, and no common Begger, then after such whipping he shall be kept in the Stocks till he hath found surety to go to service or else to labour, after the discretion of the said Justice of Peace, Mayors, Sheriffs, Bailiffs, High-Constables, or other such Officers, afore whom any such Idle person, being no common Begger shall be brought, if by the discretion of the same Justice of Peace, Mayor, Sheriff, Bailiff, High-Constable, or other such head Officer, it be so thought Convenient, and that the party so punished be able to find surety, or else to be ordered and sworn to repair to the place where he was born, or where he last dwelled by the space of three years, and to have like Letter, and such further punishment, if he Eftsoons offend this Statute, as is above appointed to, and for the Common strong and able Beggers, and so from time to time to be ordered and punished, till he put his body to labour, or otherwise get his living truly according to the Law.

*Justices.*

LVII. 22 H. 8. 12. § 3. N. 7. And that the Justices of Peace of every Shire, Riding, City, Town and Liberty, shall have power and Authority within the limits of their Commissions, to enquire of all Mayors, Bailiffs, Constables, and other Officers, and persons that shall be negligent in Executing this Act.

*Constable.*

LVIII. 22 H. 8. 12. § 4. N. 1. And if the Constables and Inhabitants, within any Town and Parish where any such impotent person, or strong Begger doth happen to Beg, contrary to the form of this Statute, be negligent and take not every such impotent and strong Begger, that so shall Beg, against the form of this Statute, and order and punish every such Begger, as is above limited, that then the Township, or Parish, where such default shall be, shall lose and forfeit for every such impotent Begger that shall be suffered to beg within the said same Township, or Parish, not being taken, ordered and punished according to the form of this Statute, 3 s. 4 d. and for every strong Begger that shall happen to beg within any such Township, or Parish, not being taken, and ordered as is above limited by this Statute, 6 s. 8 d. the one half of all which forfeitures to be to the King, &c. And the other half to him that will sue for the same, by any Bill of Information, before the Kings Justices of his Peace, in their General Sessions to be holden in the Shire, or within any Liberty where such default shall happen.

*Justices.*

LIX. 22 H. 8. 12. § 5. N. 1. And that all Justices of Peace, within any Shire, City, Borough or Liberty, shall have full power and authority, as well to hear and determine every such default by presentment, as by such bill of Information, and upon every presentment afore them, and upon every such Bill of Information, to make proces by distress against the Inhabitants of every such Town and Parish, where any default shall be presented or supposed by any such Information.

*Distress.*

LX. 22 H. 8. 12. § 5. N. 2. By Authority of which distress, the Sheriff or other Officer, to whom by the Law such distress shall be made, shall distress the Goods and Chattels of such, one or two of the said Inhabitants

as he may have knowledge, were most negligent and in default in the Execution of this Act, and the said distrefs retain till they find surety to appear at the Sessions limited in the said distrefs.

LXI. 22 H. 8. 12. § 5. N. 3. And in case they appear and Confess the default, or else if they traverse the Presentment, and it be tryed against them by Verdict, or deny the Information, and it be proved against them by sufficient Witnesses, then the said Justices of Peace in their Sessions shall have Authority to assesse the Fines as been above limited, after the rates above said, and to make process for the levying of the same by distrefs of the Inhabitants of such Towns or Parishes, where such default shall be tryed or proved. *Americament*

LXII. 22 H. 8. 12. § 5. N. 4. And that Every such fine, if it grow by presentment, to be only to the Kings use; and if it grow by Information, then the moiety thereof to be to him, that persweth the Information for the same, and the other moiety thereof to the Kings use, as is afore said. *Fines.*

LXIII. 22 H. 8. 12. § 5. N. 5. And if any such person, or persons distrained, appear not at the day and place contained in such distrefs, then upon the return of the Sheriff, or other Officers to whom the distrefs was delivered to execute, that such person or persons were distrained, then every such person, &c. so distrained at the first distrefs, shall lose 3 s. 4 d. and at the second 6 s. 8 d. and so to be doubled upon every distrefs, in such cases to be awarded, till appearance may be had by one of the Inhabitants of such Town, or Parish, to deny, traverse or Confess the Presentment or Information exhibited against any such Town, or Parish, to the intent that upon tryal or proof thereof, the Fines above limited may be assessed and levied of the Inhabitants of every such Town, or Parish, as is above rehearsed. *Issues.*

LXIV. 22 H. 8. 12. § 6. N. 1. And be it enacted, &c. That Scholars of the Universities of Oxford, and Cambridge, that go about Begging, not being Authorised under the Seal of the said Universities, by the Commissary, Chancellor or Vice-Chancellor of the same, and all and singular the men pretending losses of their Ships and Goods of the Sea, going about the Country begging, without sufficient authority witnessing the same, shall be punished and ordered in manner and form as is above rehearsed of strong Pedgars. *Scholars.*

LXV. 22 H. 8. 12. § 6. N. 2. And that all Proctors and Pardoners going about in the Country, &c. without sufficient Authority, and all other idle persons going about in any Country, or abiding in any City, Borough or Town, some of them using divers and subtile Crafts and unlawful Games and Plays, and some of them feigning themselves to have knowledge in Physick, Phisnomy, Palmistry, or other crafty sciences, whereby they bear the people in hand, that they can tell their Destinies, Deceases, and Fortunes, and such other like fantastical imaginations, to the great discredit of the Kings subjects: shall upon examination had before two Justices of the Peace, whereof the one shall be of the *Quorum*, if he by probable Witness be found Guilty of any such deceits, be punished by whipping at two days together, after the manner before rehearsed, 14 Eliz. 5. § 5. N. 3. *Vagrants.*

LXVI. 22 H. 8. 12. § 6. N. 3. And if he Eftsoons offend in the said offence, or any like offence, to be scourged two days, and the third day to be put upon the Pillory from 9 of the Clock till a 11 before noon, of the same day, and to have one of his ears Cut off. *Pain.*

LXVII. 22 H. 8. 12. § 6. N. 4. And if he offend the third time, to have like punishment with whipping, standing on the Pillory, and to have his other ear cut off. *Pain.*

LXVIII. 22 H. 8. 12. § 6. N. 5. And that Justices of the Peace, have like *Franchis.*



Authority in every Liberty and Franchis, within their Shires, where they be Justices of Peace, for the Execution of this Act, in every part thereof as they shall have without the Liberty or Franchis.

*Notice.*

LXIX. 22 H. 8. 12. § 7. N. 1. And it is further Enacted, that this Act shall yearly be read in the open Sessions, to the intent that the said E statute shall be the more feared, and the better put in Execution.

*Charity.*

LXX. 22 H. 8. 12. § 8. N. 1. And further more be it Enacted that if any person or persons, at any time hereafter give any Harbor, Mony or Lodging to any Beggars being strong and able in their bodies to work, which order themselves Contrary to the form of this E statute, that every such person so doing, being sufficiently proved or presented afore any Justices of the Peace, shall make such fine to the King as by the discretion of the said Justices of Peace at their general Sessions shall be assessed.

*Proces.*

LXXI. 22 H. 8. 12. § 8. N. 2. And if any person, &c. do disturbe or let the Execution of this Act in any manner, wise, or make rescous against any Mayor, Sheriff, Baliff, or other person that shall endeavour himself for the due Execution thereof, its then enacted that every such person, &c. for every such offence doing shall lose and forfeit, 100 s. and over that to have imprisonment at the Kings will, the one moiety of which forfeiture if such offence be Committed in any City or Town Corporate, to be to the Mayor Sheriff, Bailiff, or other head Officer, of such City or Town Corporate, where any such Offence shall be done to the use of the Commonalty of every such City and Town Corporate, and if it be Committed out of a City or Town Corporate, then the said one half to be to the Lord of the Leet, or Lawdays, where such offence shall be done, and the other half of every such forfeiture to be to the King, &c. for the which forfeiture of 5 l. recovery shall be had by action of Debt, Bill, Plaint or Information, in any of the Kings Courts, in which suits the defendants shall not wage their Law, nor have any E ssoin or Protection allowed.

*Cinqs Ports.*

LXXII. 22 H. 8. 12. § 9. N. 1. Provided always that this Act nor any thing therein contained, shall be hurtful or prejudicial to the Barons, or other Inhabitants of the Five Ports or of their Members, neither to any Grant Liberty or Franchis heretofore made by the King, &c. Or any his Progenitors, Kings of England, to the said Barons, or other Inhabitants, their Ancestors or Predecessors or any of them.

*Cinqs Ports.*

LXXIII. 22 H. 8. 12. § 9. N. 2. And that it be Enacted, &c. that all and every Mayor and Mayors, and Bailiff and Bailiffs, Electife and Elected by the Commons and Inhabitants of every Town and place, of the said Ports and Members, shall have like Authority, within every such Town and place where they, or any of them be or shall be Mayor or Baliff or Jurate, to put or cause to be put this Act in due Execution, as the Justices of Peace, in any County of this Realm, have or shall have Authority and power by this Act, to do where they be Justices.

*Cinqs Ports.*

LXXIV. 22 H. 8. 12. § 9. N. 3. And that the Inhabitants within every Town within the said Ports, shall be bounden to the Execution of this Act like as other Inhabitants be without the said Ports upon like pain, as is above remembred.

*Cinqs Ports.*

LXXV. 22 H. 8. 12. § 9. N. 4. And if any person, &c. which shall Inhabit within the said Five Ports or Members, be impotent, or other Idle person do hereafter begg without the said Five Ports or Members of the same, Contrary to this Act, that then every such person shall be ordered and punished according to this Act, anything in this Proviso to the contrary notwithstanding.

*Seals.*

LXXVI. 22 H. 8. 12. § 10. N. 1. And it is ordained and Enacted, that the Seals above rehearsed shall be made at the costs and charges, of the Justices of Peace

Peace, Mayors, Sheriffs, Bailiffs, and other Officers above written on this side the Feast of the Nativity of Saint *John* Baptist next coming, that is to say, that every of them shall do the said Seals to be made within the limits of their Division Jurisdiction and Authority.

LXXVII. 22 H. 8. 12. § 11. N. 1. And it is also Ordained and Enacted that every Letter to be made by the Authority of this Act, whereby any Impotent Begger shall be authorized and assigned to beg, shall be made in this form ensuing. *Licence.*

LXXVIII. 22 H. 8. 12. § 12. N. 1. *Kanc' ff. Memorandum* that A. B. of Dale, for reasonable considerations is Licensed to beg within the Hundred of P. K. and L. in the said County, given under the Seal of that limit, *tali die & anno.* *Licence.*

LXXIX. 22 H. 8. 12. § 13. N. 1. And that every such Letter that shall be made and delivered to such Begger or Vagabond, after he hath been Whipped by Authority of this Act, shall be made in this wise following. *Licence.*

LXXX. 22 H. 8. 12. § 14. N. 1. *Kanc' ff. I. S.* Whipped for a Vagrant, strange Begger, at Dale in the said County, according to the Law, 22 day of July, in the 23 year of King H. 8. was assigned to pass forthwith and directly from thence to Sale in the County of *Middlesex*, where he saith he was born, or where he last dwelled by the time of three years, and he is limited to be there within fourteen days next ensuing, at his peril, or within such number of days as to him shall be limited by the discretion of the maker of the said Letter, in Witness whereof the Seal of the limit of the said place of his punishment, hereunto is set, 39 Eliz. 4. § N. *Licence.*

LXXXI. 22 H. 8. 12. § 15. N. 1. And it is enacted that every such Letter shall be made at the equal costs of such the said Justices, Mayors, Sheriffs, Bailiffs or other Officers within whose Jurisdiction, Powers, and Authorities, the said Begger and Vagabond shall be whipped, or limited to beg in by Authority of this Act, and every such Letter shall be subscribed with the hand of one of the said Justices, Mayors, Sheriffs, Baliffs, or other Officers in this form following, *per me A. B. unum Justiciariorum pacis, or Majorem Civitatis, or Balivum villa, or Constabularium talis hundredi, or else* in like form in English. *Licence.*

LXXXII. 22 H. 8. 12. § 16. N. 1. And it is further Enacted, that every such person, &c. As have the Custody of any Goals, within any Shire, City, Borough or Town, Corporate on this side the Feast of Saint *John* the Baptist, shall do make a Seal engraven with the name of the Castle, Prison or Goal, which he keepeth. *Imprisonment*

LXXXIII. 22 H. 8. 12. § 16. N. 2. And in Case any person, &c. That at any time after the said Feast of Saint *John*, shall be delivered out of any Goal or Prison, for suspicions of Felony, by Proclamation, or be acquit of any Felony, and hath no friends to pay his fees, nor was born within the Hundred or place where he shall happen to be so delivered, nor can get him no Master, there to abide and work with, shall have liberty to beg for his fees, by the Licence of his Keeper, by the space of six Weeks next after such deliverance, and after that to be compelled to go to the Hundred where he was born, or last dwelled, by the space of three years, within such time as shall be limited by one of the Justices of Peace, Mayors, Seriffs, Bailiffs, or any Officers where such deliverance shall be had 27 H. 8. 25. (26) § 6. *Fees.*

LXXXIV. 22 H. 8. 12. § 17. N. 1. And it is enacted that every such person so delivered shall have a Letter made to him by the Clerk of the Peace of the Shire, within the which he was delivered, if he be delivered in the Shire, and if he be delivered in any City, Borough or Town Corporate, then he to have a Letter of the Common Clerk of every such City, Borough, *Licence.*

Borough or Town where he is delivered, every such Letter witnessing the day of his deliverance, and the place where he was delivered, and afore whom, and the time appointed to him to beg for his fees, and the place to which he shall be assigned to repair unto, in case he can get no Master to fall to Work, where he was delivered, and to every such Letter the said Goaler or Keeper of Prison, out of the which such person shall be delivered, shall put the Seal limited to be made as is aforesaid for the said Prison, and that every such Letter shall be made in this wise following.

*License.*

LXXXV. 22 H. 8. 12. § 18. N. 1. *Essex* ff. the 20 day of July, *Anno Regni Regis*, H. 8. 23. I. S. was delivered for Felony out of the Goal of *Dale* in the said County, at the Sessions holden afore A. B. and his Fellows at *Sal*, the day and year aforesaid, and is allowed to beg for his fees by the space of six Weeks, and in case he can get no Master to work with in the said term, then he is assigned to pass directly to *Dale*, in the County of *Kent*, where he saith he was born, or last dwelled for the space of three years, and he is allowed fourteen days next after the said six weeks for his passage thither, or such number of days as to him shall be limited by the discretion of the maker of the said Letter, in witness whereof the Seal of the Prison from which he was delivered thereunto is set, and in such Shires where there is no Goal, the Sheriff thereof for the time being, shall cause a Seal to be Engraven with the name of the Shire, and shall order and use the same Seal to and from such persons delivered, as is aforesaid, after like manner and form, as the Goaler or Keeper of the Goal, is limited and appointed to do by this act, 27 H. 8. 25. (26) § 6.

*Fees.*

LXXXVI. 22 H. 8. 12. § 19. N. 1. And it is also Enacted, that every Clerk of the Peace of the Shire, within the which such person shall be delivered, and every Common Clerk of every City, Borough or Town Corporate, within the which any such person shall be delivered, shall make for every such person as shall be so delivered, where they be such Officers, the said Letter in form aforesaid, without any fee taking for the same, and shall deliver every such Letter to the Goaler or Keeper of the Prison, from the which such person shall be delivered: And if there be no Goaler there, then to the Sheriff of the Shire, where such deliverance shall be had within one day next after the end of the Sessions, where any such deliverance is had, upon pain to lose and forfeit for default of every Letter, 12 *d.* to the King our Sovereign Lord.

*Escape.*

LXXXVII. 22 H. 8. 12. § 19. N. 2. And that the Goaler or Keeper of the Prison, from the which the said person shall be so delivered, and in case there be no Goaler, then the Sheriff of the Shire, where any such deliverance shall be had; shall not suffer any such person to go abroad to beg for his fees, nor depart out of Prison, except it be to service, or labour, unless the same Goaler or Sheriff, first deliver to the said person, the said Letter, containing his Name, Sealed with the Seal of the Prison, from the which he shall be delivered, or else with the Seal Engraved with the Name of the Shire, if there be no Prison, upon pain for every default to lose 12 *d.* to our said Sovereign Lord.

*License.*

LXXXVIII. 22 H. 8. 12. § 20. N. 1. And it is Enacted, that if any person, &c. So being delivered out of Prison, at any time after the said Feast do beg, not having the said Letter Sealed, in form aforesaid, or beg contrary to the Tenor of the same Letter, that then he shall be taken, ordered and whipped in every behalf, like as is above appointed for strong Beggars, and that to be done, and executed by such as is above limited to do the same upon strong Beggars, and in such wise and upon such pain as is aforesaid limited for Non-Execution of the punishment of strong Beggars.

LXXXIX. 22 H.



LXXXIX. 22 H. 8. 12. § 21. N. 1. Provided alway that it be lawful to every person, &c. Being bounden by reason of any Foundation, or Ordinance, to give or distribute any Mony in Alms, and also to every person, &c. At Common Doles used at Burials or Obiits, to give and dispose in Alms, any Mony to every person, &c. Coming to such Alms or Doles, after like manner and form, as they have been accustomed to do in that behalf afore the making of this Act, without any danger or penalty of this Estatute, any thing contained in this present Estatute to the contrary hereof notwithstanding. *Charity.*

XC. 22 H. 8. 12. § 22. N. 1. Provided also that it be lawful to all Masters and Governors of Hospitals, to lodge and Harbor any person or Persons, of Charity, or Alms according to the Foundation of such Hospitals, and to give Mony in Alms in as large manner and form as they are bounden or own to do, any thing in this Statute to the Contrary hereof notwithstanding. *Abbe.*

XCI. 22 H. 8. 12. § 22. N. 2. And this Act to endure unto the last day of the next Parliament, 35 Eliz. 7. § 25. N. 1. *Continuance.*

XCII. 23 H. 8. 15. § 2. N. 1. Provided always that all and every such poor person, &c. being Plaintiff, &c. in any of the said Actions, Bills, or Plaints, which at the Commencement of their Suits or Actions, be admitted by discretion of the Judge, &c. Where such Suits or Actions shall be pursued or taken to have their process and Counsel of Charity, without any Mony or fee paying for the same, shall not be compelled to pay any costs by virtue and force of this Statute, but shall suffer other punishment, as by the discretion of the Justices or Judge, afore whom such suits shall depend, shall be thought reasonable, any thing &c. notwithstanding. *Suits.*

XCIII. 27. H. 8. 25. (26.) Where in an act, &c. (*viz.* 22. H. 8. 12. § 1. N. 3.) Among other things, it was Ordained, Established and Enacted, that every strong and valiant Begger and Vagabond, after he were whipped for his Vagabondy and Idleness, should depart from the place where he was whipped directly unto such Town, Hundred and County where he was born, or were he had dwelled by the space of three years next before, there to continue and abide: And also that aged Poor and Impotent people should in likewise repair into every Hundred, within the said Counties, there to remain and continue according to the meaning and purparty of the said Act upon pains limited in the same, &c. *Lieu.*

XCIV. 27 H. 8. 25. (26.) § 2. N. 1. And forasmuch as it was not provided in the said Act, (*viz.* 22 H. 8. 12.) how and in what wise the said poor people, and sturdy Vagabonds should be ordered at their repair, and at their coming into their Counties, nor how the Inhabitants of every Hundred should be charged for the relief of the same poor people, nor yet for the setting and keeping in work and labour of the aforesaid valiant Vagabonds at their said repair into every Hundred of this Realm. *Taxer.*

XCV. 27 H. 8. 25. (26.) § 2. N. 2. It is therefore now Ordained, &c. That all and every the Mayors, Aldermen, Sheriffs, Bailiffs, Constables, House-holders, and all other head Officers and Ministers of every City, Shire, Towns and Parishes of this Realm, at the repair and coming thither of such Poor Creature or sturdy Vagabond, as is contained in the said Act, (*viz.* 22 H. 8. 12.) shall most Charitably receive the same and order the same in manner and form following, that is to say. *Constable.*

XCVI. 27 H. 8. 25. (26.) § 2. N. 3. That all the Governors and Ministers of every of the same Cities, Shires, Towns, Hundreds, Wapentakes, Lathes, Rapes, Ridings, Tythings, Hamlets and Parishes, as well within Liberties as without, shall not only succor find and keep all and every of the same poor people by way of voluntary and Charitable Alms, within every *Corporation.*

every of the same Cities, Shires, Towns, Hundreds, Wapen-takes, Lathes, Rapes, Tythings, Hamlets and Parishes, as well within Liberties as without, to be succored relieved and holden with such convenient and necessary Alms, as shall be thought meet by their discretions in such wise as none of them of very necessity shall be compelled to wander Idly, and go openly in Begging to ask Alms, in any of the same Cities, Shires, Towns and Parishes: But also to cause and compel all and every the said sturdy Vagabonds, and valiant Beggars, to be set and kept to continual labor, in such wise as by their said labors they and every of them may get their own livings with the continual labor of their own hands.

*Sheriffs.*

XCVII. 27 H. 8. 25. (26.) § 2. N. 4. And every Mayor, Alderman, Sheriff, Bailiff, Constable, and all other head Officers and Ministers, of every County, City, Town and Parish, within this Realm, or within any the Kings Dominions, as well within Liberties as without, and all other persons Inhabitants within any of the same, shall endeavour themselves to order and direct the Poor people, valiant Beggars, and sturdy Vagabonds in such wise as the effect of this present Act shall be duly observed and put in due execution, upon pain that every Parish shall lose and forfeit 20 s. for every Month, in which it is omitted and undone, and that to be enquired of at every Quarter Sessions, and to be duely presented and found by the verdict of twelve men.

*Constable.*

XCVIII. 27 H. 8. 25. (26.) § 3. N. 1. *Item*, It is further Enacted, &c. That all and every person, &c. Being Whipt or sent into their Countries, in form aforesaid, (*viz.* 22 H. 8. 12. § 14. N. 1.) at the end of every ten Miles shall repair unto the Constable of any Parish, being directly in his way towards the County and place whereunto he is so appointed, and upon sight of his Letters given unto him at the time of his whipping and sending of him into the same his Country, every the said Constables, and others the Kings Subjects, shall and may furnish him with Competent Meat, Drink and Lodging, for one night only, or for one Meal, and so he shall continue his daily Journey of Ten Miles, until such time as he shall come unto the Hundred and place whereunto he is assigned to go.

*Ability.*

XCIX. 27 H. 8. 25. (26.) § 4. N. 1. *Item*, It is Enacted, &c. That all and every Idle person, &c. Rufflers, calling themselves Serving-men, as well within the City of London, as within all other Cities, Shires, Towns, Parishes and Hamlets of this Realm, having no Masters, shall be intreated used and ordered in every behalf and to all intents, as is contained and specified, as well in the aforesaid former Act, (*viz.* 22 H. 8. 12. ) as in this present Act, upon the pain aforesaid, to be lost and forfeited to the Mayor, Aldermen, Sheriffs, Bailiffs, Burgeses, Ministers and Inhabitants of every of the same Cities, Boroughs and Towns Corporate, where any such Rufflers shall be suffered to be resiant and abiding by the space of two days, and not punished in form hereafter declared.

*Corporation.*

C. 27 H. 8. 25. (26.) § 5. N. 1. It is Ordained, &c. That all and every the Mayors, Governors and head Officers of every Borough and Town Corporate, and the Church-wardens, or two others of every Parish of this Realm, shall in good and Charitable wise, take such discreet and convenient order, by gathering and procuring of such Charitable and voluntary Alms, of the good Christian people within the same, with Boxes every Sunday, Holy-day, and other Festival days, or otherwise among themselves in such good and discreet wise as the Poor, Impotent, Lame, Feeble, Sick and Diseased people, being not able to Work, may be provided, holpen and relieved, so that in no wise they nor none of them be suffered to go openly in Begging: And that such as be lusty or having their Limbs strong enough to labor, may be daily kept in continual labor, whereby every one of them may

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get their own sustenance and living with their own hands.

CL. 27 H. 8. 25. (26.) § 5. N. 2. Upon pain that all and every the *Forfeiture.*  
Mayors, Governors, Aldermen, head Officers, and others the Kings Officers and Ministers, of every the said Cities Boroughs, Towns Corporate, Hundreds, Parishes and Hamlets, shall lose and forfeit for every month that it is omitted and undone the sum of 20 s.

CII. 27 H. 8. 25. (26.) § 6. N. 1. *Item*, It is Enacted, &c. That *Lieu.*  
all Leprous and poor Bedrid Creatures, whatsoever they be, may at their own liberty remain and continue in such place where they be, and shall not be compelled to repair into their Countries according to the tenor and purport of the aforesaid former Act, (*viz.* 22 H. 8. 12. § 18. N. 1.) Any thing contained in the same Act, or in this present Act, to the contrary notwithstanding.

CIII. 27 H. 8. 25. (26.) § 7. N. 1. *Item*, It is also Enacted, &c. that *Enfant.*  
the said Governors, Aldermen, Justices of the Peace, and head Officers, Bailiffs and Constables of every City, Borough, Town, Hundred and Parish of this Realm, shall have Authority by vertue of this present Act to take up all and singular Children in every Parish within their limits, that be not grieved with any notable disease or sickness, and being under the age of fourteen years and above the age of five years, in Begging or Idleness, and to appoint them to Masters of Husbandry, or other Crafts or labors to be taught, by the which they may get their livings, when they shall come to age, giving to them of the said Charitable collections as it may conveniently be sustained, and borne Arayment to enter into such service.

CIV. 27 H. 8. 25. (26.) § 7. N. 2. And if any above the age of twelve *Apprentice.*  
years, and under the age of sixteen years, refuse such service or depart from the same, without cause reasonable, then they to be Arrested and apprehended by any of the said Officers, and to be brought before the Mayor, Aldermen, Justices of the Peace, Bailiffs, Governors, Constables, and other Officers and Ministers, of that limit or circuit where they be taken: And if it shall appear by his or their Confession, or other sufficient Testimony before the same Officers and Ministers, that he or they have refused to serve, or have departed from their service without cause reasonable, he shall then in the Parish where he was apprehended, be openly whipped with Rods, by the discretion of the said Governors or Bailiffs, and thereupon to be sent again unto his service, and so to be served as often as he shall be apprehended and Convicted in form aforesaid.

CV. 27 H. 8. 25. (26.) § 7. N. 3. And if any person or persons, refuse *Proces.*  
to Execute and to do the said punishment at the Commandment of any of the said Governors, Aldermen, Justices of Peace, and others the said Officers and Ministers, then he or they so refusing the same shall be set in the stocks by the space of two days, without having of any other sustenance, saving only bred and water.

CVI. 27 H. 8. 25. (26.) § 8. N. 1. *Item*, It is also enacted, &c. that all and *Search.*  
every the aforesaid Mayors, Governors, Aldermen and every the Justices of the Peace, as well within liberties as without, shall once in every month or oftner, if need shall require, command a Privy or secret search to be made within every City and Ward, Town, Hundred, Parish and Hamlet of this Realm in such time of the night and day as they shall think convenient, to the intent that all Rufflers, sturdy Vagabonds and valiant Beggars, and other suspect persons may be by such means apprehended taken and ordered according to the purport and meaning of this present act, and otherwise to be used according to the Laws of this Realm.

CVII. 27 H. 8. 25. (26.) § 8. N. 2. And that all and every person and *Proces.*  
persons, obey, aid, assist and maintain from time to time, all and every the  
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Commandments of the said Justices of Peace, and other head Officers aforesaid, for and concerning the making of all the said searches and the apprehending of all and every the suspect persons aforesaid, upon pain to make fine for not doing of the same at the next quarter Sessions, as it shall be thought by the discretion of the Mayor, Governors, Aldermen and Justices of the Peace.

*Games.*

CVIII. 27 H. 8. 25. (26.) § 9. N. 1. *Item*, It is Enacted, &c. that no person &c. at any time after the Feast of Saint John Baptist next coming, shall use, keep and maintain, any open Playing-House, or place of Common Bowling, Dicing, Carding, Cloth, Tennis, or other unlawful Games, taking mony for the same, or other gain, in any place of this Realm, upon pain to forfeit five Marks for every Month that any such unlawful Houses or Games shall so be openly kept, used and maintained in any Place within this Realm, be it within liberties or without, any grant heretofore made to any person, &c. in any wise notwithstanding.

*Encumbant.*

CIX. 27 H. 8. 25. (26.) § 10. N. 1. *Item*, It is Enacted, &c. that every Preacher, Parson, Vicar, Curate of this Realm, as well in all and every their Sermons, Collections, Biddings of the beads, as in time of all Confessions, and at the making of the Wills or Testaments of any Persons, at all times of the year shall exhort, move, stir and provoke people to be liberal and bountiful to extend their good and Charitable Alms and Contributions from time to time, for and towards the comfort and relief of the said Poor, Impotent, Decrepit, Indigent and needy people, as for the setting and keeping to continual work and labor of the aforesaid Rufflers, sturdy Vagabonds and valiant Beggers in every City, Ward, Town, Hundred and Parish of this Realm, as well within liberties as without.

*Pain.*

CX. 27 H. 8. 25. (26.) § 11. N. 1. *Item*, It is Enacted, &c. that if any of the aforesaid Rufflers, sturdy Vagabonds and valiant Beggers, after such time as they have been once apprehended, taken, whipped and sent unto any City, Ward, Town, Hundred or Parish, by any Justices of Peace, Mayor, Constable, Bayliffs, or any other the Kings Officers and Ministers, happen to wander, loyter, or idly to use themselves and play the Vagabonds, and willingly absent themselves from such labor and occupation as he or they shall be appointed unto within any City, Ward, Town, Hamlet, Hundred or Parish, whereunto he or they have been appointed in manner and form aforesaid, that then he or they being Estfoons apprehended and taken of suspicions of Idleness in any privy searches aforesaid, or otherwise shall be brought before the next Justice of Peace; And upon due Examinations and proof of the continuance of his said loytering, wandering in idleness or Vagaboncy, shall be Estfoons, not only whipped again and sent into the City, Ward, Town, Hundred or Parish, whereunto he was first appointed, but also shall have the upper part of the Grille of his right Ear clean cut off, so as it may appear for a perpetual token after that time that he hath been a contemner of the good order of the Common-wealth.

*Constable.*

CXI. 27 H. 8. 25. (26.) § 11. N. 2. And that every Constable of the Parish, with the assistance of the most substantial of every such Parish where any such Ruffler or Vagabond, shall happen thus to be taken, shall do or cause to be done this present Execution, as well in whipping as in cutting off the said upper Grille of the Ear of every such Ruffler or sturdy Vagabond, or valiant Begger, upon pain to lose and forfeit five Marks, for every time that he shall refuse to do or cause to be done the same Execution: And all and singular the Inhabitants of the said City, Ward, Town, Hundred or Parish, shall assist and aid the said Constables in Execution of the premisses to the best of their Power, with Good diligence and without contradiction upon the pain aforesaid.

CXII. 27

CXII. 27 H. 8. 25. (26.) § 12. N. 1. *Item*, It is further Enacted, &c. *Imprisonment*  
That if any Ruffler or sturdy Vagabond or valiant Begger not having the upper part of the right Ear, and being cut off as is aforesaid, happen to be apprehended and taken, in or at any privy search, as aforesaid, at any other time wandering in Idleness in or without any City, Ward, Town, Parish, or Hamlet, within this Realm, whereunto he or they have been assigned, and duely proved before any Justice of Peace, that he or they haunt Idleness, and hath not applied, nor doth not apply such labors as he or they have been assigned unto, or be not in service with any Master, that then he or they so taken, marked and having the upper part of the right Ear cut off, as is aforesaid, shall be by any of the said Justices of Peace sent unto the next Goal, there to remain without Bail or Mainprize until the next Quarter Sessions, and there to be Indicted of wandering, loytering and idleness, and shall be arraigned of the same, and if he or they shall happen to be found Guilty by Verdict, Confession or otherwise, of, for and upon the same continual loytering and idleness, then every such sturdy Vagabond and valiant Begger so found Guilty and Condemned, shall have Judgment to suffer pain and Execution of death as a Felon, and as Enemies of the Commonwealth, and to lose and forfeit all their Lands and Goods as Felons do in all other cases within this Realm.

CXIII. 27 H. 8. 25. (26.) § 13. N. 1. *Item*, It is Enacted, &c. *Search.*  
That the Knight Marshal for the time being, shall have full power and Authority by vertue of this present act, to search, do and put in due and plain Execution all and every the contents as well of the aforesaid former Act, (*viz.* 22 H. 8. 12.) as of this present Act, and of and upon all such Rufflers sturdy Vagabonds and valiant Beggers, Men and Women, as in any wise shall frequent, hunt or loyter, Masterless and out of service, in and about the Court, wheresoever the Kings Highness chance to be resiant, with his most Honorable Household in any place of this Realm.

CXIV. 27 H. 8. 25. (26.) § 14. N. 1. And for the avoiding of such inconveniences and Infections as oftentime have and daily do chance among the people by Common and open Doles, and that most commonly unto such Doles many persons do resort, which have no need of the same. It is therefore Enacted, &c. that no manner of person, &c. shall make or cause to be made any such common or open Dole, or shall give any ready mony in Alms, otherwise than to the common Boxes and Common Gatherings in Every City, Town, Hundred, Parish and Hamlet, to and for the putting in plain and due Execution of all and every the good and vertuous intents and purposes, contained in this present Act, upon pain to lose and forfeit ten times the value of all such ready mony as shall be given in Alms, Contrary to the tenor and purport of the same. *Charity.*

CXV. 27 H. 8. 25. (26.) § 14. N. 2. And that every person, &c. of *Taxes.*  
this Realm, Bodies Politique, Corporate and others, that be bound or charged Yearly, Monthly or Weekly, to give or to distribute any ready Mony, Bread, Victual, or other sustentation to Poor people, in any place within this Realm, shall from the Feast of *Michaelmas* next coming, give and distribute the same Mony, or the value of all such Bread, Victual or sustentation, unto such Common Boxes, to the intent the same may be employed towards the relieving of the said Poor, Needy, Sick, Sore and Indigent persons, and also towards the setting in work of the said sturdy and idle Vagabonds, and valiant Beggers, and every of the said person and persons, Bodies Politique, Corporate and others, shall be clearly discharged against all and every other person and persons, of and for all manner of Bonds or Grants, whatsoever they be, for making of any of the said Common Doles, or others the foresaid distributions at any time of the year, so as the Mony and true value of the same  
Cccc

fame be given unto the Boxes towards the common Alms and relief of the poor people, in form aforefaid.

*Account.*

CXVI. 27 H. 8. 25. (26.) § 15. N. 1. And to the intent that the Mony gathered towards the relief of Poverty, as is abovefaid, shall be employed and converted to fuch charitable ufes and behoofs by this prefent A<sup>c</sup>t limited, and no part thereof to be mifufed by fuch as shall have the collection thereof; it is therefore ordained and enacted, &c. that the Church-wardens of every Parifh, calling unto them fix or four of their honeft Neighbors, shall have full power and Authority, every Quarter of the year, or oftner by their difcretions to command every fuch Collector to appear before them, and to render and yield account of all fumms of Mony, as by them shall be gathered, and how, and in what manner it was employed.

*Account.*

CXVII. 27 H. 8. 25. (26.) § 15. N. 2. And if upon any account it shall be feen, perceived or found that any fuch Collector hath not converted nor employed, the Mony by him gathered, to fuch ufes and intents as be limited by this A<sup>c</sup>t, or to have imbezilled any part thereof, that then every fuch offender shall be attached and apprehended by them, before whom he fo shall make account, and shall immediatly be brought before a Juftice of the Peace, if it be in any Shire, or before the Mayor or Bailiff, if it be in City, Borough or Town Corporate, which Juftice or Mayor or Bailiff, shall caufe every fuch offender to be committed to Ward and Prifon, there to remain unto fuch time as he shall have fully reftored and paid to the Collectors of the faid Alms, within the Parifh where he fo offended, all fuch fumms of Mony as by him shall be fo imbezilled, converted or employed to other ufes or intents, than by this A<sup>c</sup>t be limited, and alfo till he shall have paid 6 s. 8 d. for a penalty to be converted, employed and diftributed to the ufes and intents fpecified and declared in this A<sup>c</sup>t.

*Incumbent.*

CXVIII. 27 H. 8. 25. (26.) § 16. N. 1. And it is ordered, &c. that the Parfon, Vicar or Parifh Prieff, or fome other honeft man of every Parifh of this Realm, without taking or demanding any thing for the fame, shall keep a Book of reckoning and then shall enter, write and make mention from time to time, in one place or part of the Book, as well of all and every fuch fumms of Mony, as shall be gathered by the charitable Alms of the Inhabitants of every of the fame Parifhes, as to make mention in other place of the fame Book, how, upon whom, and in what wife, any part of the fame Mony shall be fpent, and fo from year to year, from one year to another year, he shall keep a new book, the Book to be bought and paid for, by the Conftable and Church-wardens, for the time being, of the common Collections, and always shall remain in the Cuftody of two or three of them, or of fome other indifferent man, by their confents, and not with the Parfon, Vicar or Parifh Prieff.

*Charity.*

CXIX. 27 H. 8. 25. (26.) § 17. N. 1. Item, It is ordered, &c. that two or three times in every week, two or three of every Parifh, within Cities and Towns Corporate, by the affignment and appointment of the Mayor, Aldermen, Governor, Bailiff or Conftable, fome in one week and fome another week, shall name and appoint certain of the faid poor people found of the common Alms, to collect and gather broken meats and fragments, and the refafe-drink of every Houfeholder within every fuch Parifh, which shall be by their difcretions diftributed evenly among the poor people found of the faid common Alms, as they by their difcretions shall think good.

*Conftable.*

CXX. 27 H. 8. 25. (26.) § 18. N. 1. Item, It is ordered, &c. that all and every Bailiff, Conftable, Church-wardens, and other the Collectors of the faid Alms, which shall at any time forbear their own bufinefs and labor, and shall travail or take any pains in and about the Execution of any part of this prefent A<sup>c</sup>t, shall have and take for his and their fo doing, fuch competent wages of the Mony of the faid common Collections, as by the difcretion of the Mayor, Alder-



Aldermen, Governor, Bailiff, or Justices of Peace, and others of the Parish shall be thought good and reasonable, which shall be appointed to them from time to time, always at the making of their accounts before the whole Parish aforesaid.

CXXI. 27 H. 8. 25. (26.) § 19. N. 1. *Item*, The Mony of all and every the aforesaid free and Charitable Collections, shall be kept in the common Coffer or Box, standing in the Church of every Parish, or else shall be committed into the hands and safe custody of any other such good and substantial trusty man, as they can agree upon, where they shall think it always sure and safe, and where it may be surely delivered unto the uses before expressed from time to time, as necessity shall require, making always mention thereof in two several places of the said book, as it is before declared, as often times as any part thereof shall be spent or gathered. *Charity.*

CXXII. 27 H. 8. 25. (26.) § 20. N. 1. *Item*, It is ordered, &c. That the Inhabitants of every Parish of this Realm, shall begin to make the foresaid free Charitable and Godly Collections and Gatherings, in every Sunday and Holiday next after the day of Saint John Baptist next coming, and so shall continue yearly unto the last day of the next Parliament; and every Parish making default, and not putting all and every the premises in due and perfect Execution, according to their power, behaviours and discretions, shall lose and forfeit 20 s. for every Month in which it is omitted and undone. *Days.*

CXXIII. 27 H. 8. 25. (26.) § 20. N. 2. And all Justices of Peace in every County and Liberty of this Realm, shall have full power and Authority by vertue of this present act to enquire, hear, order and determine all and every the premises in manner and form, and to all intents as it is before declared. *Justices.*

CXXIV. 27 H. 8. 25. (26.) § 21. N. 1. Finally it is ordained, &c. That this present Act shall begin to take effect, and to be put in Execution, with the aforesaid former Act, (*viz.* 22 H. 8. 12.) the morrow after the day of Saint Michael the Arch-Angel next coming, and shall continue unto the last day of the next Parliament, 31 H. 8. 7. *Continuance.*

CXXV. 27 H. 8. 25. (26.) § 21. N. 2. And that the one moiety of all and every the Forfeitures aforesaid shall beto the use of the common box to the relief of the Poor, Decrepit, Sick, and Indigent, and Impotent people, being within any City, Town, Hundred or Parish, where any such offence is committed, and the other moiety to him or them that will sue for the same, by Bill, Action of Debt, Plaint or otherwise, in any Court of Record or Court Baron of this Realm, in which Action no wager of Law, Essoyn or Protection shall be allowed. *Forfeiture.*

CXXVI. 27 H. 8. 25. (26.) § 22. N. 1. Provided always that this present Act, shall not be hurtful or prejudicial unto any person or persons, for giving or sending any ready mony, or of any fragments or broken meat or drink, unto any person or persons, Inhabited within the Parish where he dwelleth, or to any persons, but that they and every of them, of their Charity may use, send, order, give and dispose the same to any person or persons aforesaid, as they will themselves, either within their own Houses, or else where, any thing contained in this present Act to the contrary in any wise notwithstanding. *Charity.*

CXXVII. 27 H. 8. 25. (26.) § 23. N. 1. And be it further Enacted, &c. That they, which by the Authority of this Act, shall cause the Ears of any offender to be cut off, in form beforementioned, shall certifie in writing indented under their Seals, at the next General Sessions of the Peace, that shall be kept in any City, Town, Borough or Shire, unto the Clerk of the Peace, of the same City, Town or Shire, the names of all such as shall  
Cccc 2. *Certificate.*  
fortune

fortune to have their Ears cut off, for the causes before said, and of the time and place of doing the same, and if they fail and make default this to do by the space of one month, that then they shall forfeit for every month so offending, 40 s.

*Church-wardens.*

CXXVIII. 27 H. 8. 25. (26.) § 24. N. 1. And be it further Enacted, &c. That no Church-warden, Collector or Collectors of any the foresaid charitable Alms, shall continue in his or their said Offices and Rooms above the space of one whole year.

*Charity.*

CXXIX. 27 H. 8. 25. (26.) § 24. N. 2. And that in all Cities, Boroughs, Towns and Parishes of this Realm, the overplus of all, and all manner of Collections of the Rich and Wealthy Parishes, within any of the same Cities, Boroughs, Towns, Hundreds, Lathes, Rapes, and Wapentakes, from time to time, shall be ordered and distributed for and towards the sustentation of the charges of other poor Parishes, near and within any of the same Cities, Boroughs, Towns, Hundreds, Lathes, Rapes and Wapentakes, by the discretion from time to time, of the Mayor, Aldermen, Bailiffs, Governors, Justices of Peace, and high Constable of the same.

*Constable.*

CXXX. 27 H. 8. 25. (26.) § 25. N. 1. Provided always that in such Cities, Towns, Hundreds, Wapentakes, Lathes, Rapes, Ridings, Tythings, Hamlets and Parishes, where the voluntary, and unconstrained Alms, and Charity of the Parishioners or people, which by this Act shall be contributory to such Alms, and with such mony, as shall be added and given to the same, from any Monasteries, or other persons, bodies Politick, Corporate or other, will not suffice to the sustentation of the poor, needy and indigent people, being within the limits of such contribution, neither the Mayors, Aldermen, Sheriffs, Bailiffs, Constables or other head Officers, Householders, Ministers or Inhabitants of the same in particular; ne also the whole of them in general, shall incur or run into the said forfeiture, danger or penalty of 20 s. for every Month; ne any of them to be constrained to any such certain contribution, but as their free wills and Charities shall extend, otherwise than that the persons thereunto appointed by this Act, shall well and truly distribute, according to the purport of the same, the said Charity and Alms that shall come to their hands, of voluntary gift, upon the penalties in this Act for the same provided, any Clause, Sentence or Words in the same Act, being or founden to the Contrary thereof notwithstanding.

*Charity.*

CXXXI. 27 H. 8. 25. (26.) § 26. N. 1. Provided also it shall be lawful to all Noblemen, and other keeping Houses, their Almoners, Servants, Officers and Ministers, to give in Alms the Fragments or broken Meat or Drink, of the same, as well to poor and indigent people of other Parishes, as of the same Parishes, where such House is kept, any thing in this Act or in any provision of the same to the contrary notwithstanding.

*Licenses.*

CXXXII. 27 H. 8. 25. (26.) § 27. N. 1. Provided furthermore that Servingmen departing from their service by License, Will, Death or Exclusion of their Lord, Lady, Master or Mistris, having of the same their Lord, Lady, Master or Mistris, Letters, or in case of their death, other sufficient proof, testifying the day of their Exclusion or departure, from such service, shall not incur or run into any the punishments or penalties comprised in this Act, for Vagabonds or sturdy Beggars, within the space of one month after the day mentioned in the said Letters, or appearing by the said testimony to be the day of the departure from such services, ne also at or after the same month expired, so that by the end of such month they shall have entred into any service, or be otherwise in labor, according to the form and tenor of this Act.

*Abbe.*

CXXXIII. 27 H. 8. 25. (26.) § 28. N. 1. Provided also that in as much

as Fryers Mendicants have little or nothing to live upon, but only by the Charity and Alms of all Christian people, this Act therefore ne any thing therein contained, shall be prejudicial or hurtful unto any person or persons, for giving of them in general or particular, any manner of Alms in mony, Victual or other things, ne also to them or any of them, for being or remaining out of the places where they were born, or had their last Habitation, or for passing abroad to gather the Alms and Charity of Christian people, or for continuance in their Religion as they have been accustomed to do, this Act or any thing therein mentioned to the contrary notwithstanding.

CXXXIV. 27 H. 8. 25. (26.) § 29. N. 1. Provided also that this Act ne any thing therein mentioned, be hurtful or prejudicial to any Abbots, Priors, or other person or persons of the Clergy or other that by any means be bound to give yearly, weakly or daily Alms, in Mony, Victual, Lodging, Cloathing, or any other thing in any Monasteries, Alms-Houses, Hospitals or other Foundations or Brotherhoods, by any good Authority or Ancient custom, or of daily charity by keeping of poor men established for that purpose. *Abbe.*

CXXXV. 27 H. 8. 25. (26.) § 29. N. 2. Ne to any person or persons, for receiving of the same, or for their abiding in such Alms-houses or Hospitals according to such foundation. *Charity.*

CXXXVI. 27 H. 8. 25. (26.) § 29. N. 3. Ne also for Alms in ready Mony, or otherwise to be given to Mariners or other persons that shall for time to come, or be set on Land from Ships perished or lost on the Sea. *Mariners.*

CXXXVII. 27 H. 8. 25. (26.) § 29. N. 4. Or to any person that Riding, Going or passing by the way, shall after his or their Conscience or Charity, give Mony or other thing to Lame, Blind or Sick, Aged or Impotent people, any thing in this Act to the contrary mentioned notwithstanding. *Charity.*

CXXXVIII. 1 Ed. 6. 3. Forasmuch as Idleness and Vagabondy is the Mother and Root of all Thefts, Robberies, and all evil Acts, and other mischiefs, and the multitude of people given thereto, have always been here within this Realm, very great and more in number, as it may appear than in other Regions, to the great Impoverishment of the Realm and danger of the Kings Highness Subjects. *Laborers.*

CXXXIX. 1 Ed. 6. 3. § 1. N. 2. The which Idleness and Vagabondy, all the Kings Highness Noble Progenitors, Kings of this Realm, and this High Court of Parliament have often and with great travail gone about and assayed with Godly Acts and Statutes to repress: Yet until this our time it hath not had that success, which hath been wished, but partly by foolish Pity and Mercy of them, which should have seen the said Godly Laws Executed, partly by the perverse Nature and long accustomed Idleness of the persons given to loytering, the said Godly Statutes hitherto have had small effect: And Idle and Vagabond persons being unprofitable Members, or rather Enemies of the Common-wealth, have been suffered to remain and increase, and yet so do, whom if they should be punished by Death, Whipping, Imprisonment, and other Corporal pain, it were not without their deserts, for the Example of others, and to the benefit of the Common-wealth, yet if they could be brought to be made profitable and do service, it were much to be wished and desired. *Parliament.*

CXL. 1 Ed. 6. 3. § 1. N. 3. Be it therefore Enacted, &c. First that all Statutes and Acts of Parliament heretofore made for the punishment of Vagabonds and sturdy Beggars, and all Articles comprised in the same, shall be from henceforth repealed, void and of none effect. *Repealances*

CXLI. 1 Ed. 6. 3. § 2. N. 1. Secondly that whosoever after the first day *Ability.*



day of *April* next following, Man or VVoman, being not Lame, Impotent or so Aged or diseased with Sicknes, that he or she cannot work, not having Lands or Tenements, Fees, Annuities, or any other yearly, Revenues or profits, whereon they may find sufficiently their living, shall either like a Serving-man wanting a Master, or like a Begger, or after any such other sort, be lurking in any House or Houses, or loytering, or Idly wander by the high-ways side, or in streets, in Cities, Towns or Villages, not applying themselves to some honest and allowed Art, Science, Service or Labor, and so do continue by the space of three days or more together, and not offer themselves to labor with any that will take them, according to their faculty: And if no Man otherwise will take them, do offer themselves to work for Meat and Drink; or after they be so taken to work for the space agreed between them and their Master, do leave their work out of convenient time, or run away, that then every such person shall be taken for a Vagabond.

*Apprentice.*

CXLII. 1 *Ed. 6. 3. § 2. N. 2.* And that it shall be lawful to every such Master offering such Idle person Service and labor, and that being by him refused: Or who hath agreed with such idle person, and from whom within the space agreed of service, the said loyterer hath run away or departed before the end of the Covenant between them: And to any other person, espying the same, to bring or cause to be brought the said person, so living idly and loyteringly, to two of the next Justices of Peace, there resident or abiding, who hearing the proof of the idle living of the said person, by the said space, living idly, as is aforesaid, proved to them, by two honest witnesses, or confession of the party, shall immediatly cause the said loyterer to be marked with an hot Iron in the Brest, the mark of *V*.

*Villénage.*

CXLIII. 1 *Ed. 6. 3. § 2. N. 3.* And adjudge the said person living so idly, to such Prefentor, to be his Slave, to have and to hold the said Slave to him, his Executors, or Assigns for the space of two years, then next following, and to order the said Slave as followeth, that is to say, to take such person adjudged a Slave with him, and only giving the said Slave bread and water, or small drink, and such of meat, as he shall think meet, cause the said Slave to work by beating, chaining or otherwise, in such work and labor, how vile soever it be, as he shall put him unto, 3 and 4 *Ed. 6. 3. § 1. N. 2.*

*Villénage.*

CXLIV. 1 *Ed. 6. 3. § 2. N. 4.* And if any manner of Slave, either for loyterings or for the cause before rehearsed, so adjudged, shall within the space of the said two years here appointed run away, depart or absent him from his said Master by the space of fourteen days together, without License, it shall not only be lawful to his said Master to pursue and search him again, by vertue of this Act, but also to punish such fault by chains or beating as is aforesaid.

*Villénage.*

CXLV. 1 *Ed. 6. 3. § 2. N. 5.* And against the detainor, if any man do willingly detain him, knowing him to be a Slave as is aforesaid, to have an Action of Trespass, and recover thereby in damages 10 *l.* besides the loss and charges of the suit for so detaining his said Slave.

*Villénage.*

CXLVI. 1 *Ed. 6. 3. § 2. N. 6.* And further every such Master shewing and proving by two sufficient witnesses, the said offence and fault of his running away, before two Justices of Peace of the same Country, whereof the one to be of the *Quorum*, the same Justice shall cause such Slave or Loiterer to be marked on the Forehead, or the ball of the Check, with an hot Iron, with the sign of an *S.* that he may be known for a Loiterer and a Runaway, and shall adjudge the Loiterer and Runaway to be the said Masters Slave for ever.

*Villénage.*

CXLVII. 1 *Ed. 6. 3. § 2. N. 7.* And if such Slave shall the second time Run.

run away, or absent himself, if the said Master shall prove the same second Running away, with two sufficient witnesses, before the Justice of Peace, in their General and Quarter Sessions, then every such fault and Running away, to be adjudged Felony, and such a Loiterer and Runnaway to be taken as a Felon, and thereof being lawfully Indicted and attainted or otherwise condemned, to suffer pains of death, as other Felons ought to do.

CXLVIII. 1 *Ed. 6. 3. § 3. N. 1.* Provided also and be it Enacted, &c. *Clergy.* that no Clerk convicted shall hereafter make his purgation, and upon such purgation, be delivered and set at large, otherwise than is in the Statute hereafter expressed.

CXLIX. 1 *Ed. 6. 3. § 4. N. 1.* And be it further enacted, &c. that every Clerk convict or hereafter to be convicted, which should by the order of the Law enjoy the benefit of their purgation, shall and may from henceforth find any man, if they can, who shall be bound with two sufficient Sureties to the Ordinary, in the sum of 20 *l.* to the Kings Highness use, to retain the said convict as his Slave, and to keep the said person so convicted for the space of one year then next following, that he shall not go abroad, and at large, and then the said convict shall be delivered to the said person so taking the same, and being bound as is aforesaid, to be his Slave for one whole year, then next following, by vertue of this Act, in all such manner and form, and to all such intents and purposes, and with all such Orders, Laws, Conditions and penalties for Running away or other, as is aforesaid, of a Vagabond taken loitering and made a Slave (burning in the brest only excepted) and the Ordinary by the delivery of the said convict to such person, being bound, as is aforesaid, to be of the keeping of the said convict, clerely discharged and exonerated by vertue of this Act.

CL. 1 *Ed. 6. 3. § 5. N. 1.* And if so be that the said Clerk so convict, cannot find any man to be bound, as is aforesaid, to whom he may be adjudged a Slave, in the space of one year, then at any time after the end of one year after his conviction, it shall be lawful for the said Clerk convict to make his purgation, as he might before this Estatute, any thing in this present Act to the contrary notwithstanding. *Bail.*

CLI. 1 *Ed. 6. 3. § 6. N. 1.* And where the Clerks convicted or attainted by the order of the Laws of this Realm, cannot make their purgation, and should perpetually by the same remain in prison: Be it nevertheless enacted, &c. that if there be any manner of person who will at any time demand the same Clerk convicted or attainted, and be bound to the Ordinary, with two sufficient Sureties, as is above written, to keep the same as his Slave, by the space of five years then next following, that then the same shall be adjudged his Slave for like space, with all such Orders, Laws and Penalties for running away, and other orders, as is before expressed of a Vagabond, adjudged to any man for a Slave, (the burning in the brest only excepted) and upon the adjudgment delivered to such demandant, the Ordinary from thenceforth of the keeping of such Clerk convicted or attainted clearly exonerated and discharged by vertue of this Act. *Imprisonment*

CLII. 1 *Ed. 6. 3. § 7. N. 1.* And forasmuch as divers Women and Men go on Begging, wayfaring, of the which some be impotent and lame, and some able enough to labor, which do carry Children about with them, some four or five years of age, or Younger or Elder, which brought up in idleness might be so rooted in it, that hardly they may be brought after to good thrift and labor. *Infant.*

CLIII. 1 *Ed. 6. 3. § 7. N. 2.* Or if any Child above the age of five years and under the age of fourteen years, go idly wandering about as a Vagabond. *Infant.*

CLIV. 1 *Ed.*

*Infant.*

CLIV. 1 *Ed. 6. 3. § 7. N. 3.* Be it Enacted, &c. that if any manner of person will take away such Child, be it Male or Female, of and from any such Begger, being the Mother thereof, Nourisher or Keeper, whether they be willing or not, or without any such Nourisher, Mother or Keeper wandering, and bring the said Child so taken away, before one of the Constables of the Parish, and two other honest and discreet Neighbours witnesses, and before any Justice of the Peace there residing and abiding, and promise to bring the same Child up, in some honest labor or occupation, till he or she come to the age of twenty years the Woman Child, or twenty four years the Man Child.

*Infant.*

CLV. 1 *Ed. 6. 3. § 7. N. 4.* That then and immediately the said Justice of Peace and Constable, shall adjudge by virtue of this Act, the said Child unto the ages before specified to be Servants or Apprentices to the said person, so taking and promising to be used and ordered in all points, according as the Law and custome of this Realm is of Servants and Apprentices, to what labor, occupation or service soever, the said Master shall appoint him or her during the said terme.

*Infant.*

CLVI. 1 *Ed. 6. 3. § 7. N. 5.* And if it shall fortune such Child so adjudged, to run away at any time, one or more times from his or her Master or Mistres, that then it shall be lawful for every such Master, to take the said Child again, and to keep and punish the said Child, in chains or otherwise, and use him or her as his Slave in all points, for the time before rehearsed, of the age of such Child, that is to say, till twenty the Woman Child, and the Man Child twenty four.

*Villanage.*

CLVII. 1 *Ed. 6. 3. § 8. N. 1.* Provided always that any Master either of the Men or of the Women so adjudged Slaves, or of the Children adjudged Apprentices, or Servants, may Let, set forth, seal, bequeath or give the service and labor of such Slaves or Servants, so adjudged as is aforesaid, to any person or persons, to whomsoever he will, upon such condition and for such terme of years, as the said persons be adjudged to him for Slaves, Servants or Apprentices, after such like sort and manner, as he may do of any other his moveable Goods or Chattels, and they for the said space and time to be bound to all points and constructions, to such *lessee, vendee, donee,* or *assignee*, as they were to their first apprehensors and Masters, by virtue of this Statute.

*Villanage.*

CLVIII. 1 *Ed. 6. 3. § 9. N. 1.* Provided always, and be it enacted, &c. that if any such Slave or Slaves, or Children so adjudged, shall at any time after such Judgment maim or wound their Masters or Mistresses in resisting their correction or otherwise, or when they be manumitted and set again free, or in the time of their service, shall conspire with any other, or by themselves, go about to Murder and Kill, or to Maim, Wound or Beat the said Master or Mistres, or any that was their Master or Mistres, or to burn their Houses, Barns or Corn, so that their intent come to an Act tending to the effect, as lying in wait with Weapon, or any such like, shall be accounted Felony, and they shall suffer therefore pains of Death as in case of Felony.

*Villanage.*

CLIX. 1 *Ed. 6. 3. § 9. N. 2.* Except that any such person or persons, as be, or had been Master or Mistres to any of them, or he refusing any other will take such person so offending to their Slaves, and then he or she so offending, to be adjudged to the person so willing to take him or her so offending, slave for ever, and thereupon to be discharged of the Felony.

*Villanage.*

CLX. 1 *Ed. 6. 3. § 9. N. 3.* The same Law and order to be had, in all conditions, if it should chance the Father, Mother, Nurse, or other the bearer about of the Child, or any other person or persons, to steal away such Child, adjudged Apprentice or Servant, that is to be slave to such Apprentices



Apprentices or Servant's Master, whose Apprentice or Servant was so stolen or inticed away for ever, and the Master nevertheless to take and receive his said Apprentice or Servant again, as if the said taking away had never been done.

CLXI. 1 *Ed. 6. 3. § 10. N. 1.* Be it also Enacted, &c. that although there be no man which shall demand such Loyerer or Loyerers, as before expressed, into their Service, yet nevertheless the Justice of Peace in that City, Borough, Town or Hundred dwelling, if any such be, or else any other Justice of Peace of the same Shire and also there dwelling, of his or their Office, shall be hereafter bound by virtue of this Act, not only to inquire of all such Idle-persons, but also if they do espy any such Vagabonds or Idle-persons, or if any such be detected unto them, to examin him or her of the time of their Vagabondry. *Apprentice.*

CLXII. 1 *Ed. 6. 3. § 10. N. 2.* And if it shall appear to any Justice of Peace, any such Man or Woman to have been a Vagrant and Vagabond or Idle-person, by the space as is aforesaid; to cause the same to be marked on the Breast with an *V.* made with an hot Iron, *Justices.*

CLXIII. 1 *Ed. 6. 3. § 10. N. 3.* And also to inquire of him, the Town, City or Village wherein he was born, and then shall immediately give a Writing in Parchment seal'd with his Seal to the said Loyerer, of the tenor and form which here ensueth. *Lieu.*

CLXIV. 1 *Ed. 6. 3. § 10. N. 4.* *A. B.* Justice of Peace in the County of *S.* to the Mayor or Cheif-Officer of the City of *Z.* (if it be a City) or to the Head-Borough, Bailly or Constable, or Head-Officer of the Town of *Z.* (if it be a Town) or to the Constable or Tything-man of the Village of *C.* if it be a Village. *Certificate.*

CLXV. 1 *Ed. 6. 3. § 10. N. 5.* According to a most Godly Statute made in the first year of the Raighn of our Sovereign Lord King *Edward* the sixth, &c. we have taken this Bearer *J. K.* Vagrantly, and to the Evil Example of others, without Master, Service or Labor whereby to get his Living, going loytering idly about, and because the same saith he was born in *C.* in the County of *S.* whereof you are the Head-Officer or Constable, we have sent him to you to be ordered, according to the purport and effect of the same Statute. *Certificate.*

CLXVI. 1 *Ed. 6. 3. § 10. N. 6.* And with this Writing, shall deliver the same Loyerer to the Constable or other Head-Officer of the said City, Town or Village wherein such Loyerer was taken, to be safely by them conveyed to the next Constable, and so from Constable to Constables, and other Head-Officers, till he or she be brought to the place, the which he or she hath named themselves to be born in. *Constable.*

CLXVII. 1 *Ed. 6. 3. § 10. N. 7.* And then to be delivered to the Head-Officer or Constables of that same City, Borough or Town, Village, Hamlet or Parish, there to be nourished and kept of the same City, Town or Village, in Chains or otherwise, either in the common Works in amending High-ways, or other common works, or from man to man, in order till they which may bear be equally charged to be Slave to the Corporation of the said City, or to the Inhabitants of the Town or Village that he or she was born in, after all such Form, Condition, space of Years, Orders, Punishments for running away, and all others, as are expressed of a Common or Private Person, to whom any such Loyerer is adjudged a Slave. *Lieu.*

CLXVIII. 1 *Ed. 6. 3. § 10. N. 8.* And the said City, Town or Village, shall see the said Slave being able to Labor, set on work, and not live Idly within the said Premises, upon pain for every such default that the said Slave doth live Idly, by the default of the City, Borough or Town, or Village by the space of three working days together, the City to Forfeit 5 *l.* a

D d d

Borough

Borough or Town Incorporate, 40 s. and other Town or Village 20 s. where of the one half to the King our Sovereign Lord, the other to him that will sue for the same in any of the Kings Courts of Record, by Bill, Information, or Action of Debt, in the which Suits, no Esloyn, Wager of Law or Protection shall be allowed.

*Corporation.* CLXIX. 1 Ed. 6. 3. § 11. N. 1. Provided and be it Enacted, that the City, Town and Borough Coporate, by the consent of the most part of the Corporation, and the Town and Village not Coporate, by the consent of the most part of the Inhabitants thereof, may set, sell or give away, the right, title and interest of the said Slave, to any other Persons, as any other Common, or Private person may do with his Slave by Virtue of this Act.

*Lien.* CLXX. 1 Ed. 6. 3. § 12. N. 1. Provided always, and be it Enacted, that if it fortune when the said Vagabond is brought to the said City, Town or Village where the said person said he was born, to appear and be manifest, that he or she was not there born, that then for such lye, the said Vagrant shall be marked in the face with an S. and be Slave to the Inhabitants or Corporation of the City, Town or Village where the said Vagrant said he was born in, for ever, upon such Conditions and Orders in all points, as of a Slave marked in the face is before expressed.

*Alien.* CLXXI. 1 Ed. 6. 3. § 12. N. 2. The same Law and Order in all points to be had, of all Vagrant persons and Vagabonds, being born in any other Nation or Country than this Realm, as is before expressed of English idle persons, marking in the breast or face only excepted, that is to say, to be had to the next Port, and there to be kept of the Inhabitants of the said next Port in convenient Labor, and from Idleness or otherwise, till they may be conveyed over, and then at the costs of the Inhabitants of the said Port, to be conveyed over into their Countries,

*Ability.* CLXXII. 1 Ed. 6. 3. § 13. N. 1. And forasmuch as there is many maimed and otherwise lamed, fore, aged and impotent persons, which resort to the City of London, and to other Cities, Towns, and Villages on begging, whose coming together and making a number, doth fill the streets or highways of divers Cities, Towns, Markets and Fairs, who if they were separated, might easily be nourished in the towns and places where they were born, or where they were or have been most conversant and abiding, by the space of three years.

*Trades.* CLXXIII. 1 Ed. 6. 3. § 13. N. 2. Be it therefore Enacted, &c. that all and singular Mayors, Sheriffs, Bailiffs, Constables or other head-Officers, of any City, Town or Hundred, to which such resort is or shall be, shall before the Feast of Purification of our Lady next following, see all such Idle, Impotent, maimed and aged persons, who otherwise cannot by their discretions be taken for Vagabonds, which were born within the said City, Town or Hundred, or hath been there most conversant and abiding by the space of three years, as is aforesaid, and now decayed, bestowed and provided for, of Tenancies, Cottages, or other convenient Houses to be lodged in, at the costs and charges of the said Cities, Towns, Boroughs and Villages, there to be received and cured, by the devotion of the good people of the said City, Borough, Town or Village.

*Lien.* CLXXIV. 1 Ed. 6. 3. § 13. N. 3. And that they do not suffer after the time before rehearsed, any other than such as either were born, or have been for the most part conversant or abiding for the space aforesaid, in the said City, Borough, Village or Town, to remain and beg abroad, within the Precincts of such Cities, Towns, Villages or Hundreds.

*Forfeiture.* CLXXV. 1 Ed. 6. 3. § 13. N. 4. Upon pain that every such Mayors, Sheriffs and Bailiffs, Constable or other head-Officer, by what names soever he be called, suf-

suffering any person to beg within the precinct of his, or their such Jurisdiction, other than is before rehearsed, for every three days, shall forfeit 10 s. to whomsoever will sue therefore, by Bill, Information, or Action of debt, in any Court of Record, in the which suits no Essoyn, Wager of Law, nor Protection shall be allowed.

CLXXVI. 1 Ed. 6. 3. § 14. N. 1. And for the better performance here- *Corporation.*  
of, be it Enacted, &c. that the Mayor of the City of London, and all other Mayors, Bailiffs, Sheriffs, Constables, and other Head-Officers of every City and Town Corporate, do with all convenient speed, by themselves or their sufficient Deputies, by them appointed, before the Feast of the Purification next coming, and so from time to time, every month once make a view and Examination of Aged, Impotent and Lame persons, Beggars, as be within the precinct of their Jurisdiction.

CLXXVII. 1 Ed. 6. 3. § 14. N. 2. And see all such as were not born, *Settlement.*  
nor have been for the most part conversant and abiding there, by the space of three years compleat, conveyed on Horseback, Cart or Chariot or otherwise, as shall seem by their discretions, to the next Constables, and they to convey the same to the next Constables, and so from Constables to Constables, till the said persons be brought to the place where they were born, or most conversant, and abiding, as is aforesaid, there to be provided for, kept and nourished, of Alms, as is aforesaid.

CLXXVIII. 1 Ed. 6. 3. § 14. N. 3. Upon pain that every such Mayor, *Forfeiture.*  
Sheriff or Constable, Head-borough or Head-Officer, not making view, not sending or conveying away, not receiving, or not providing, as is before appointed, according to the true purport or meaning of this Act, to forfeit for every such default, 40 s. whereof the one half to the Kings use, the other to the party that will sue therefore, in any of the Kings Courts of Record, by Bill, Information, Action of Debt, in the which suits none Essoyn, Wager of Law, nor Protection shall be allowed.

CLXXIX. 1 Ed. 6. 3. § 15. N. 1. Provided always, that if any of the *Ability.*  
said aged, maimed or Impotent persons of the Cities, Towns or Villages, where they were born in, or had their most abiding, as is aforesaid, be not so Lame or Impotent, but that they may work in some manner of work, that then such City, Town, Parish or Village, do either in common provide some such work for them, as they may be occupied in, or appoint them to such as will find them work for meat and drink.

CLXXX. 1 Ed. 6. 3. § 15. N. 2. And if they refuse of Wilfulness and *Pain.*  
Stubbornness to work, or do run away and beg in other places, then to punish the same according to their discretions, with chayning, beating, or otherwise as shall seem to them convenient.

CLXXXI. 1 Ed. 6. 3. § 16. N. 1. And for the more furtherance of the *Ability.*  
relief of such as are in unfained misery, and to whom Charity ought to be extended.

CLXXXII. 1 Ed. 6. 3. § 16. N. 2. Be it Enacted, &c. that every Sun- *Days.*  
day and Holyday, after the reading of the Gospel of the day, the Curate of every Parish do make, (according to such talent as God hath given him) a Godly and Brief Exhortation to his Parishioners, moving and exciting them, to remember the Poor people, and the duty of Christian Charity, in relieving of them, which be their Bretheren in Christ, born in the same Parish and needing their help.

CLXXXIII. 1 Ed. 6. 3. § 17. N. 1. Provided always, that if it shall *Apprentice.*  
chance any such adjudged Apprentice, Servant or Slave, as is before rehearsed, to have inheritance descended unto him or her, or any other ways by the Laws of this Realm, Ward or Bondman, or Nief of blood, by or from any of his Ancestors, to any person or persons, that then it shall be  
Dddd 2 lawful



lawful to any such person or persons to whom any such Ward, Bond-man or Nief shall appertain, to seise and take such Wards, Bond-men or Neifs, and them to retain and keep as their Wards, Bond-men or Neifs, and the said Wards, Bond-men and Neifs, shall be discharged of the said Slavery, or other Servitude or Bondage above rehearsed, this Statute, or any thing therein contained to the contrary, in any wise notwithstanding.

*Villenage.*

CLXXXIV. 1 *Ed. 6. 3. § 18. N. 1.* And also be it Enacted, that if any such Servant; Apprentice, Slave or Slaves, which shall have at any time hereafter, any Advancement or Living, accrew, come or grow unto him or any of them, whereby he or they may have a convenient Living; that then and from thenceforth, he or they so being advanced, to be discharged of their Slavery, Servitude and Bondage, this Act, or any thing therein contained to the contrary, in any wise notwithstanding.

*Women.*

CLXXXV. 1 *Ed. 6. 3. § 18. N. 2.* Any Woman being a Servant, Apprentice or Slave, as is aforesaid, being married within the age of twenty years without the assent of her Master, until she shall accomplish and come to the said age of twenty years only excepted.

*Settlement.*

CLXXXVI. 1 *Ed. 6. 3. § 19. N. 1.* Be it also Enacted, that all Leprous and Poor Bed-rid Creatures, whatsoever they be, may at their own liberty remain and continue, in such houses appointed for Leprous or Bed-rid people, as they now be in, and shall not be compelled to repair into any other Counties or Places, by Virtue of this Act, any thing therein contained to the contrary notwithstanding.

*Charity.*

CLXXXVII. 1 *Ed. 6. 3. § 19. N. 2.* And that also it shall be lawful unto the said leprous and bed-rid people for their better releifs, to appoint their Proctor or Proctors, so there be not appointed above the number of two persons for any one house of leprous bed-rid people, to gather the charitable Alms of all such Inhabitants as shall be within the compass of four Miles, of any of the said houses of leprous and bed-rid persons.

*Villenage.*

CLXXXVIII. 1 *Ed. 6. 3. § 20. N. 1.* And be it Ordained and Enacted, &c. that it shall be lawful to every person, to whom any person in form aforesaid shall be adjudged a Slave, to put a Ring of Iron about his Neck, Arm or his Leg, for a more knowledge and surety of the keeping of him.

*Villenage.*

CLXXXIX. 1 *Ed. 6. 3. § 20. N. 2.* And that if any person or persons, do take or help to take, any such bond of Iron from any such Slave; that then every person so doing without the License or Assent of his Master, shall forfeit for every such default, 40 *l.* Sterling.

*Notice.*

CXC. 1 *Ed. 6. 3. § 21. N. 1.* Be it further Enacted, that this present Act shall before the first day of *March* next, be openly proclaimed in every City, Corporate-Town and Market-Town upon the Market day; and also from thenceforth shall yearly be read in every Shire openly in two general Quarter Sessions of the Peace, that is to say, at the general Quarter Sessions after Midsummer, and the general Quarter Sessions next after Christmas, to the intent that every person may have knowledge thereof.

*Continuance.*

CXCI. 1 *Ed. 6. 3. § 21. N. 2.* And that this Act shall endure unto the end of the next Parliament, 3 & 4 *Ed. 6. 16. § 1. N. 2.* and 21 *Jac. 28. § 11. N. 28. 69.*

*Commission.*

CXCII. 1 *Ed. 6. 3. § 22. N. 1.* Provided always and be it Enacted, that it shall be lawful to the Lord Chancellor of *England*, or the Lord Keeper of the Great Seal for the time being, at their discretions to grant Commissions under the Great Seal of *England*, to every or any person or persons, that hath or shall have his or their Houses or Barns burnt, or such losses, to gather the relief and charity of others for their aid, and help of his or their losses, decay, or hinderance, as in time past hath been used, any thing contained in this Act notwithstanding,

CXCIII.

CXCIII. 1 *Ed. 6. 14. § 12. N. 1.* And over that the said Commissioners, *Charity.* (*viz. of Chantries, &c.*) or two of them at the least, shall have full power, *&c.* to enquire and try by such ways, and means, as they shall think meet and convenient, what Mony, Profit and benefit any poor person or persons, by vertue of any Conveiance, Assurance, Composition, Will, Devise or otherwise heretofore had, or enjoyed within five years next, before the beginning of this present Parliament, out of any Colledge, free Chapel or Chantry, and other the premisses, *&c.*

CXCIV. 1 *Ed. 6. 14. § 12. N. 2.* And thereupon to make assignments, *Mortmain.* and orders, in such manner and form as all and singular such said mony, profit and Commodity, shall be paid to poor people for ever according to such Assurance, Composition, Will, *&c.* for the same, and to assign and appoint Lands, Tenements, and other Hereditaments, parcel of the premisses, for the maintenance and continuance of the same for ever.

CXCV. 3 & 4 *Ed. 6. 16.* Forasmuch as it is notoriously seen and known *Trades.* that Vagabonds and Beggars, do daily increase within this the Kings Highness Realm, into very great numbers, chiefly by occasion of Idleness, the Mother and Root of all vices, whereby do ensue continual Thefts, Murders, Conspiracies, and other sundry hainous offences, and partly for that the good and wholesome Laws and Statutes of this Realm, have not been put in due Execution, and partly also by reason of the multitude of the same, the extremity of some whereof have been occasion that they have not been put in ure, 5 *Eliz. 3. § 1. N. 6.*

CXCVI. 3 & 4 *Ed. 6. 16. § 1. N. 2.* Therefore and for divers good *Villenage.* considerations, it is Enacted, *&c.* that the Statute, *&c.* (*viz. 1 Ed. 6. 3. § 2. N. 3.*) concerning idle persons and Vagabonds, in certain cases to be made Slaves, *&c.* and all and every Article, matter, proviso, branch and sentence therein contained, shall be from henceforth utterly repealed, made frustrate, void and of none effect, 21 *Jac. 28. § 11. N. 28. 69.*

CXCVII. 3 & 4 *Ed. 6. 16. § 2. N. 1.* And that the Statute, *&c.* (*viz. Continuance. 22 H. 8. 12.*) And every matter, article, proviso, branch and sentence therein contained, to be from henceforth revived, made good and stand in full strength and vertue, and shall continue and remain a perfect Act of Parliament for ever.

CXCVIII. 3 & 4 *Ed. 6. 16. § 3. N. 1.* And be it therefore Enacted, *Justices.* *&c.* that all Justices of Peace, and every of them, within the limits of their Commission, and the Mayors, Sheriffs, Bailiffs, and other Officers, within their severall rules and offices, shall within their severall limits, assemble together and make their severall division according to the purport and effect of this Act, at the next general Quarter Sessions of the Peace, to be holden after the Feast of *Easter* next to come, for the due speedy and diligent Execution of the same Act, (*viz. 22 H. 8. 12.*)

CXCIX. 3 & 4 *Ed. 6. 16. § 3. N. 2.* And that if any such aged or impotent person, after the Feast of *Easter* next to come, shall offend contrary *Ability.* to this Estatute, that then the said offender shall be used and punished as in the same Estatute, *&c.* (*viz. 22 H. 8. 12. § N.*) is provided.

CC. 3 & 4 *Ed. 6. 16. § 3. N. 3.* And that before the Feast of *Easter*, *Pain.* no punishment shall be put in Execution against any such Impotent, Lame and Aged person, but only by the discretion of the next Justice of Peace of the same Shire where such offender shall be apprehended, any thing in said Act (*viz. 22 H. 8. 12.* to the contrary notwithstanding.

CCI. 3 & 4 *Ed. 6. 16. § 4. N. 2.* Be it Enacted, *&c.* that such common laborers (*viz. in Husbandry*) being persons able in body, using loytering and refusing to work for such reasonable wages, as is most commonly given in the parts where such persons shall dwell, shall be for every such

such times, as he or they refuse to labor, having reasonable wages, as is aforesaid, adjudged Vagabonds, and shall be punished, as strong and mighty Vagabonds, in such manner and form as is declared in the said Act, (*viz.* 22 H. 8. 12. § N. )

Cottages.

CCII. 3 & 4 Ed. 6. 16. § 4. N. 4. Be it Enacted, &c. that all and singular Mayors, Sheriffs, Bailiffs, Constables, or other Head-Officers, of any City, Town or Village, to which such resort is, or shall be, shall before the Feast of the Purification of our Lady next following, see all such Idle, Impotent, Maime and Aged persons, who otherwise cannot by their discretions be taken for Vagabonds, which were born within the said City, Town or Village, or have been there most conversant, and abiding by the space of three years, and now decayed, bestowed and provided for of the Tenancies, Cottages, or other convenient Houses to be Lodged in, at the costs and charges of the said Cities, Towns and Boroughs and Villages, there to be relieved and cured, by devotion of Good people of the said City, Borough, Town or Village, 1 Ed. 6. 3. § 13. N. 2.

Continuance.

CCIII. 3 & 4 Ed. 6. 16. § 9. N. 1. And be it further Enacted, &c. that all and every Statute and Act of Parliament, made for punishment of Vagabonds, Slaves, Aged and Impotent persons, or any of them, and every Article, Sentence, Clause or Proviso therein contained, other than this present Act and Statute made, and the said Act, &c. (*viz.* 22 H. 8. 12.) shall be from henceforth utterly void, repealed and of no effect or force.

Records.

CCIV. 3 & 4 Ed. 6. 16. § 11. N. 2. And the said Judgment, (*viz.* 1 Ed. 6. 3. § 7. N. 3. 4.) shall be entered by the Clerk of the Peace, in the said Sessions, in form following, *Memorandum* that at the Sessions of the Peace holden at or on the day, &c. one J. B. of the Town of J. had delivered to him, according to the form of the Statute in that case provided B. D. esteemed to be of the age of seven or eight years, to be ordered according to the form of the said Statute.

Infant.

CCV. 3 & 4 Ed. 6. 16. § 12. N. 1. And if it shall fortune such Child so adjudged to run away at any time, once or more times, from his or her Master or Mistres, that then it shall be lawful for every such Master or Mistres, to take the said Child again, and to keep and punish the said Child in the Stocks or otherwise by discretion, or otherwise at the liberty of such Master or Mistres, to have a Warrant from any Justice of Peace in the same Shire, where the Child so runs away, for such Child running away or going away, as is provided by the Statute of Laborers, (*viz.* 12 Ric. 2. 3.) for such Servants as depart away from their Master or Mistres, without a reasonable cause before the end of their terme, 1 Ed. 6. 3. § 7. N. 5.

Justices.

CCVI. 3 & 4 Ed. 6. 16. § 13. N. 1. And that every Justice of Peace, shall by force of this Act, have Authority and power, to make such warrant against every such person so going and running away, in like form as they or any of them may do, against any Servant departing out of his Masters service without License or reasonable cause, and by force of the same Warrant the Child so running or going away, to be taken and ordered in every degree, as is provided by the said Statute, &c. (*viz.* 12 Ric. 2. 3.) as is aforesaid.

Apprentice.

CCVII. 3 & 4 Ed. 6. 16. § 14. N. 1. And be it further Enacted, &c. that if, and as often as it shall chance the Father, Mother, Nource or other bearer about of the Child, or any other person or persons, to steal or intice away any such Child adjudged for a Servant, as is aforesaid, that then and so often it shall be Lawful for the Master or Mistres of the same Child to be at his or their liberty, to take an action upon the Statute of laborers (*viz.* 12



(viz. 12 Ric. 2. 3.) against every such person so stealing or Inticing away such Child as he or they might have by reason of the said Statute, &c. against him or them that retains any mans Servant out of his service, before the end of the said term, or else to take an Action of Trespas against such offender, in which Action he shall recover his dammages and treble costs of his suit.

CCVIII. 3 & 4 Ed. 6. 16. § 15. N. 1. Provided always, and be it Enacted, &c. that if the Master or Mistres, to whom such Child, as is aforesaid, shall be adjudged to be Servant, be unreasonable in ordering and bringing up of such Child, that then at all times upon complaint made at the General Quarter Sessions of the Peace, in the County where the said Child shall be by two honest Neighbours of the same place or Town, where the same Child shall fortune to be so unreasonably ordered, if it shall appear by honest witness to the Justices of Peace at the same Sessions, the complaint thereof made shall be true, then the Justices of Peace at their General Sessions in the same Shire, where such complaint shall be made, shall by virtue of this Act have Authority and power to discharge the said Child from his or their unreasonable Master or Mistres. *Justices.*

CCIX. 3 & 4 Ed. 6. 16. § 15. N. 2. And appoint the same to some other honest Master or Mistres, unto the said ages, to be ordered in every degree as the said Child should have been with his former Master or Mistres, and that order and appointment to be written in the book of the Clerk of the Peace. *Infant.*

CCX. 3 & 4 Ed. 6. 16. § 15. N. 3. For the which entry the said Clerk of the Peace shall have 4 *d.* for his labor, and not above, and in like manner shall have 4 *d.* and not above, for the first entry of the Child to be servant, as is aforesaid, to be paid by the Master or Mistres of the said Child. *Fees.*

CCXI. 3 & 4 Ed. 6. 16. § 16. N. 1. Provided always, and be it Enacted, &c. that if the Woman Child to be appointed a Servant, as is aforesaid, be Married before the Age of 12 years, that then by the Marriage she shall be discharged of service, this Act or any thing therein contained to the contrary notwithstanding, 1 Ed. 6. 3. § 18. N. 2. *Women.*

CCXII. 5 & 6 Ed. 6. 2. § 1. N. 2. Be it Enacted, &c. that as well the Statute, &c. (viz. 22 H. 8. 12.) as also the Statute, &c. (viz. 3 & 4 Ed. 6. 16.) and every Article, Clause, Branch, Sentence, and other thing contained in them, and in every of them, other then such things as shall be by this present Act, ordained and provided for, shall stand remain and be in their full force and effect, and shall be from henceforth justly and truly put in Execution, according to the true meaning of the said several Statutes and every of them. *Continuance.*

CCXIII. 5 & 6 Ed. 6. 2. § 2. N. 1. And further be it Enacted, &c. that yearly one Holyday in *Whitsunday* week in every City, Borough and Town-Corporate, the Mayor, Bailiffs, or other head Officers for the time being, and in every other Parish of the Country, the Parson, Vicar or Curate, and the Church-wardens, having in a Register book, as well all the Names of the Inhabitants and Householders, as also the Names of all such Impotent, Aged and Needy persons, as being within their City, Borough, Town-Corporate or Parish, are not able to live of themselves, shall openly in the Church, and quietly after Divine Service, call the said Householders and Inhabitants together. *Assembly.*

CCXIV. 5 & 6 Ed. 6. 2. § 2. N. 2. Among whom the Mayor, and two of his Brethren in every City, the Bailiffs, or other Head-Officers, in Boroughs and Towns-Corporate; The Parson, Vicar or Curate, and Church-wardens in every other Parish, shall elect nominate and appoint yearly two able persons *Officers.*

persons or more, to be Gatherers and Collectors of the charitable Alms of all the residue of the People, for the releif of the Poor.

*Taxes.*

CCXV. 5 & 6 Ed. 6. 2. § 2. N. 3. Which Collectors, the Sunday next after their Election, ( or the Sunday following if need require ) when the people is at the Church and hath heard Gods holy Word, shall gently ask and demand of every man and woman, what they of their charitable Will, will be contented to give weekly to the releif of the Poor, and the same to be written in the said Register or Book.

*Charity.*

CCXVI 5 & 6 Ed. 6. 2. § 2. N. 4. And the Gatherers so being elected and chosen, shall justly gather and truly distribute the same charitable Alms, weekly by themselves or their Assigns, to the said poor and impotent persons, of the said Cities, Boroughs, Towns Corporate or Parishes, without Fraud or Covin, Favour or Affection.

*Alms.*

CCXVII. 5 & 6 Ed. 6. 2. § 2. N. 5. And after such sort that the more Impotent may have the more help, and such as can get part of their living to have the less, and by the discretion of the Collectors, to be put in such labor as they be fit and able to do.

*Beggars.*

CCXVIII. 5 & 6 Ed. 6. 2. § 2. N. 6. But none to go or sit openly a begging, upon pain limited in the foresaid Statutes, ( viz. 22 H. 8. 12. & 3 & 4 Ed. 6. 16.

*Officers.*

CCXIX. 5 & 6 Ed. 6. 2. § 3. N. 1. Be it also Enacted, &c. that no person or persons, so elected, nominated and appointed, to be Gatherer or Gatherers, as is afore said, shall refuse the said Office, but shall justly and truly execute the same, by the space of one whole year next ensuing, upon pain of forfeiting 20 s. to the Alms box of the Poor, to be levied by the Church-wardens where they or he dwelleth, of the Goods of the said Gatherer or Gatherers.

*Account.*

CCXX. 5 & 6 Ed. 6. 2. § 4. H. 1. And further be it Enacted, &c. that the said Gatherers or Collectors shall make their just Account Quarterly, to the Mayor of the City, Bailiffs or Head-Officers, of the Borough or Town Corporate, and in every Parish of the Country, to the Parson, Vicar or Curate, and Church-wardens of the Parish.

*Account.*

CCXXI. 5 & 6 Ed. 6. 2. § 4. N. 2. At which Account, such of the Parish as will may be present.

*Arearages.*

CCXXII. 5 & 6 Ed. 6. 2. § 4. N. 3. And when they go out of their Office, they shall deliver or cause to be delivered, forthwith upon the end of their Accounts, all such Surplusage of Mony as then shall remain of their Collections undistributed, to be put in the common Chest of the Church, or in some other safe place, to the use of the Poor, at the oversight and discretion of the said Mayor, or other the Officers before mentioned.

*Account.*

CCXXIII. 5 & 6 Ed. 6. 2. § 4. N. 4. And if the said Collectors or any of them, do refuse to make their said Account within eight days, then the Bishop of the Diocese or Ordinary, shall have Authority by Virtue of this Act, to compel the said person or persons by Censures of the Church, to make their said Accounts before such persons, as the said Bishop or Ordinary shall appoint.

*Charity.*

CCXXIV. 5 & 6 Ed. 6. 2. § 5. N. 1. And be it further Enacted, &c. that if any person or persons being able to further the charitable Work, do obstinately and frowardly refuse to give towards the help of the Poor, or do wilfully discourage others from so charitable a deed, the Parson, Vicar or Curate, and Church-wardens of the Parish where he dwelleth, shall gently exhort him or them towards the releif of the Poor.

*Ordinary.*

CCXXV. 5 & 6 Ed. 6. 2. § 5. N. 2. And if he or they will not so be perswaded, then upon the Certificate of the Parson, Vicar or Curate of the Parish to the Bishop of the Diocese, the same Bishop shall send for him or them, to

to induce and perswade him or them by Charitable waies and means, and so according to his discretion to take order for the reformation thereof 5 Eliz. 3. § 7. N. 3.

CCXXVI. 5 & 6 Ed. 6. 2. § 6. N. 1. And for the better maintenance *Abbe.* of this Charitable work ordained, &c. that whereas the late King of Famous Memory, King Henry the eighth, by his several Erections and foundations hath ordained and appointed any sum or summs of Mony to the use of the poor, not being taken away, otherwise by Act of Parliament, whether the same be in any Cathedral-Church, Colledge, or elsewhere, the Bishop of the Dioces for the time being, shall from time to time Examine how and after what manner the mony is bestowed, and to call to account the Parties which retain the said mony, so that it may appear the same is distributed to the Poor, according to the Kings Majesties foundation.

CCXXVII. 5 & 6 Ed. 6. 2. § 9. N. 1. Provided always and be it further *Franchis.* Enacted, &c. that this present Act, nor any thing therein contained, shall extend, or be prejudicial unto the Mayor, Sheriffs and Citizens, of the City of Chester, for or concerning any gift or Grant of any Annuity or yearly rent heretofore made, given or granted, by the Kings Majesty that now is, unto the said Mayor, Sheriffs and Citizens of the said City, going out of any Manners, Lands, Tenements and Hereditaments, of the Cathedral-Church of Christ and our Lady, within the City of Chester, but that the same Mayor, Sheriffs and Citizens, shall and may from henceforth receive, use and imploy the same Annuities, yearly rents and profits, to such uses and intents, and according to the said gift of our said Sovereign Lord the King, any thing in this act to the contrary notwithstanding.

CCXXVII. 5 & 6 Ed. 6. 2. § 7. N. 2. This Act to endure to the end *Continuance.* of the first Session of the next Parliament, 7 Ed. 6. 11. § 11. N. 4.

CCXXIX. 5 & 6 Ed. 6. 21. Forasmuch as it is evident, that Tinkers, *Trades.* Pedlers, and such like Vagrant persons, are more hurtful than necessary to the Common wealth of this Realm, 1 Jac. 25. § 47. N. 2. 14 Eliz. 5. § 5. N. 5.

CCXXX. 5 & 6 Ed. 6. 21. § 1. N. 2. Be it Enacted, &c. that, &c. *Licence.* no person or persons, commonly called Pedler, Tinker, or petty Chapman shall wander and go from one Town to another, or from place to place out of the Town, Parish or Village, where such persons shall dwell, and sell pins, points, laces, gloves, knives, glasses, tapes or any such kind of wares whatsoever, or gather cunny-skins, or such like thing, or use, or exercise the trade or occupation of a Tinker, but only such persons, &c. as shall be thereunto Licensed, 1 Jac. 25. § 42. N. 1.

CCXXXI. 5 & 6 Ed. 6. 21. § 1. N. 3. And that in such Circuit or com- *Justices.* pass, as shall be to him or them Assigned, by two Justices of Peace, or more, of the Shire where he or they shall dwell by writing under their hands and seals.

CCXXXII. 5 & 6 Ed. 6. 21. § 1. N. 4. Upon pain that every person, *Justices.* which shall offend contrary to the meaning of this Act, shall by any Justice of the Shire, where the same offence shall be committed upon complaint and due proof, had by witness, or otherwise, be imprisoned by the space of fourteen days at the least.

CCXXXIII. 2 & 3 Ph. & Mar. 5. § 2. N. 1. Be it Enacted, &c. that *Continuance.* the Statute, &c. (*viz.* 22 H. 8. 12.) and also the Statute, &c. (*viz.* 3 & 4 Ed. 6. 16.) concerning Beggars, Vagabonds and Idle persons, and every Article, Clause, Branch, Sentence, and other things contained in them and in either of them, other than such things, as shall be by this present Act, otherwise ordained and provided for, shall stand, remain and be in  
E e e e their



their full force and effect, and shall also from henceforth justly and truly be put in Execution, according to the true meaning of the said several Statutes, and either of them.

*Records.*

CCXXXIV. 2 & 3 Ph. & Mar. 5. § 3. N. 1. And further be it Enacted, &c. that yearly on some one Holyday, in the *Christmas*, in every City, Borough and Town-Corporate, the Mayor, Bailiffs, and other Head-Officers for the time being, and in every other Parish of the County, the Parson, Vicar or Curate, and the Church-wardens, having in a Register or book as well all the Names of the Inhabitants and Householders, and also the Names of all such Impotent, Aged and Needy persons, as being within their City, Borough, Town-Corporate or Parish, are not able to live of themselves or with their own labor, shall openly in the Church, and quietly after Divine service, call the said Householders and Inhabitants together, 5 & 6 Ed. 6. 2. § 2. N. 1.

*Certificate.*

CCXXXV. 2 & 3 Ph. & Mar. 5. § 7. N. 1. And be it further Enacted &c. if it shall chance any Parish, to have in it more Poor and Impotent folks, not able to labor, than the said Parish is able to relieve, that then in every such, not standing in any City or Town-Corporate, the Mayor, or Chief-Officers of the same City or Town-Corporate, calling to them two or three of the Chief Parishioners of the same Parish, such as the said Mayor, or Head-Officer shall think meet, shall certify unto the Justices of Peace of the County, where the same Parish is, the Number and Names of the persons with which they be surcharged.

*Licence.*

CCXXXVI. 2 & 3 Ph. & Mar. 5. § 7. N. 2. And upon such Certificate the said Justices of Peace in the same County, or two of them, whereof one to be of the *Quorum*, shall consider and Examine the said Certificate, and finding the same true, shall then grant unto such, and as many of the said Poor folks, as by their discretion they shall think good, a sufficient Licence under the seal appointed for the limit to go abroad to beg, get and receive the Charitable Alms of the Inhabitants of the Country, out of the said Parishes, Cities and Towns so charged.

*Licence.*

CCXXXVII. 2 & 3 Ph. & Mar. 5. § 7. N. 3. In which Licence the places Towns and Parishes, to which such Poor folks are by that Licence, Licensed to resort, shall in the same Licence be named, limited and appointed, be it one Hundred or more in the said County at the said discretion of the same Justices.

*Lien.*

CCXXXVIII. 2 & 3 Ph. & Mar. 5. § 7. N. 4. And if any of the said Poor folks, so Licensed, shall transgress the limits to them appointed, and resort, to beg at other places than is in the said Licence named, the party so transgressing and offending to be taken for a Valiant Begger, and punished according to the Statute, &c. (*viz.* 22 H. 8. 12.) and his or their Licence to be taken from them.

*Corporation.*

CCXXXIX. 2 & 3 Ph. & Mar. 5. § 8. N. 1. And be it further Enacted that where any of the said Cities, Boroughs, Towns-Corporate or Parish, so surcharged, is situate and standing in one County or two Counties of this Realm, or situate and standing in one, and immediately adjoining to another County of the Realm, as the City of *Brislow*, and Towns of *Ludlow* and *Stanford* stand, that in those Cities the said Mayor, Head-Officers, and Inhabitants of every such City, Borough, Town-Corporate and Parish, shall make Certificate unto the Justices of the said Counties adjoining to the same Cities, Boroughs, Towns-Corporate and Parishes, and the same Justices of the said adjoining County or Counties, to do, give Licence and follow the order above remembred according as other Justices of the Counties, in which the Parish surcharged standeth, is limited and Authorized to do.

CCXL. 2 & 3 Ph. & Mar. 5. § 9. N. 1. And be it Enacted, that in all *Corporation.*  
Cities, Boroughs and Towns-Corporate, within which be divers Parishes,  
the Mayors, and Head-Officers, of every the same Cities, Boroughs and  
Towns-Corporate, shall consider the state and Ability of every such Pa-  
rish, and if the same Mayor and Officers, shall understand by their dis-  
cretion, that the Parishioners of every one of the said Parishes, is of such  
Wealth and Honor, that they have no poverty amongst them, or be able  
sufficiently to relieve the poverty of the Parish, where they inhabit and  
dwell, and also to help and succor poverty elsewhere further, that then the  
said Mayor and Officers, with the assent of two of the most honest of the  
Inhabitants, and substantial of every such wealthy Parish, shall consider  
the neediness of the Inhabitants of the other Parish or Parishes, within  
the same City or Town-Corporate, and move, induce and perswade the Pa-  
rishioners of the Wealthier Parish, Charitably to contribute somewhat ac-  
cording to their ability towards the Weekly relief, succor and consolation  
of the poor and needy, within the other Parish or Parishes aforesaid where  
need is.

CCXLI. 2 & 3 Ph. & Mar. 5. § 10. N. 1. And be it also Enacted that *Notice.*  
all and every such Poor folks, as by any such License, are to be Licensed  
and authorized, to resort out of the limits, liberties and franchises of all  
and every such City, Borough and Town-Corporate, into any the said  
Counties to beg, get and gather the Charitable Alms of good people, shall  
at all times when the same go abroad to beg, weare openly upon him  
or them, both on the breast and the back, of his or their uttermost Gar-  
ment, some notable Badge or Token to be assigned unto him, by the Mayor  
or Head Officers of the same City, Borough and Town-Corporate or Pa-  
rish, with the assent of the Justices of Peace, that shall grant the same Li-  
cense, upon pain to be taken for a valiant begger, and to be punished  
as afore is remembred, and shall also carry his License with him upon like  
pain.

CCXLII. 2 & 3 Ph. & Mar. 5. § 10. N. 2. This act to endure to the *Continuance.*  
latter end of the first Session of the next Parliament, 1 Eliz. 18. § 3.  
N. 5.

CCXLIII. 2 & 3 Ph. & Mar. 5. § 12. N. 1. Provided always and be it *London.*  
Enacted, &c. that all and every sum and summs of mony from hence-  
forth to be collected or gathered within the City of *London*, or the liber-  
ties of the same, by vertue of this Act, shall be paid over to the Gover-  
ners of the Hospital, called the Hospital of Christ-Church, within the said  
City of *London*, for the time being, and shall be by them from time to time  
distributed and bestowed, for the relief of the Poor of the said City, ac-  
cording to their Wisdoms and discretions, any thing in this Act mentioned  
to the contrary notwithstanding, 14 Eliz. 5. § 27. N. 1.

CCXLIV. 5 Eliz. 3. § 1. N. 2. Be it Enacted, &c. that the Statute, &c. *Continuance.*  
(viz. 22 H. 8. 12.) and also the Statute, &c. (viz. 3 & 4 Ed. 6. 16.) and  
every Article, Clause, Branch, Sentence, and other things contained in  
them, and either of them, other then such things as shall be by this present  
Act, otherwise ordained and provided for, shall stand and remain and be  
in their full force and effect, and shall be also from henceforth justly and  
truly put in Execution, according to the true meaning of the said several  
Statutes and every of them, 14 Eliz. 5. § 1. N. 6.

CCXLV. 5 Eliz. 3. § 2. N. 7. And if the said Mayors, Bailiffs, Head- *Forfeiture.*  
Officers, Parson, Vicar, Curate and Church-warden, or any of them, fail  
in the doing and Executing of the premises in form above declared (viz.  
2 & 3 Ph. & Mar. 5. § 3.) he or they so making default, to forfeit for every  
such default 40 s. to be employed to the use of the Poor of that Parish,

where he or they do inhabit to be levied by the Collectors of the same Parish by way of distress or otherwise, as is appointed by this Act for levying of like forfeitures.

*Officer.*

CCXLVI. 5 Eliz. 3. § 3. N. 2. (viz. *None shall refuse but justly Execute, Office of Gatherer, &c.*) upon pain to forfeit 10 l. the one moiety thereof to the Church-wardens of the Parish, where he or they shall be Elected Collector, and the other moiety thereof to the use and relief of the poor of the said parish, to be levied by the Church-wardens, where they or he dwelleth, of the Goods of the said Gatherer, &c. so refusing, by distress or else by action of Debt, Bill, Plaint or Information, to be brought or pursued by the said Church-wardens of the said parish where they shall dwell, in any Court of Record, or in the Court of any Lord of any Mannor within the said parish, where the said Gatherer shall be so chosen, in which suit no protection or wager of Law shall be allowed or admitted for the party defendant.

*Church wardens.*

CCXLVII. 5 Eliz. 3. § 4. N. 1. And be it further Enacted, &c. that if the said Church-wardens or either of them shall refuse to sue for the said forfeiture or within two months next after the same cause of forfeiture shall be given, shall not sue or take the remedy for the recovery thereof, in such manner and form as before this present Act is limited and appointed, that then the same Church-wardens so making default of suit, shall forfeit and lose 20 l. of Lawful money of England, the one moiety thereof to him or them that will sue for the same by action of debt, bill, plaint or information in any Court of Record, or in the Court of any Lord of any Mannor within the Parish where the said Church-wardens shall dwell, and the other moiety to the use of the Poor of the said parish, in which suit no Essoyn, Protection or wager of Law shall be admitted or allowed for the party defendant.

*Incumbent.*

CCXLVIII. 5 Eliz. 3. § 5. N. 2. Be it Enacted, &c. that every Parson, Vicar, Curate or Minister, of every parish within this Realm, shall yearly forevermore upon the Sunday before *Midsummer* in the Pulpit or some other convenient place in the Church, give knowledge and warning at the end of some of the Morning service to the Parishioners then and there present to prepare themselves on the *Sunday* next after *Midsummer* day then next following, to come to the Church, and there to elect and chuse Collectors, and Gatherers for the Poor, according to the tenor of this Act.

*Incumbent.*

CCXLIX. 5 Eliz. 3. § 5. N. 3. And if the Parson, Vicar, Curate or Minister shall make default in giving of the said knowledge, that then he or they so making default to forfeit and lose 40 s. towards the reparation of the said Church.

*Church-wardens.*

CCL. 5 Eliz. 3. § 5. N. 4. And the Church-wardens of the said Parish to sue and distrain for the same in such form as before is appointed for the other forfeitures.

*Account.*

CCLI. 5 Eliz. 3. § 6. N. 1. And further be it Enacted, &c. that the said Gatherers or Collectors for the Poor, so to be chosen as is aforesaid, shall make their Just account Quarterly to the Mayors, or Chief Officers of the said Cities, Boroughs and Towns Corporate, and in every Parish of the said Country, to the Parson, Vicar or Curate, and Church-wardens of the Parish, at which account such of the Parish as will may be present.

*Account.*

CCLII. 5 Eliz. 3. § 6. N. 2. And when they go out of their Office they shall deliver or cause to be delivered forthwith upon the end of their accounts all such surplussage of money, as then shall remain of their Collection undistributed; to be put in their Common Chest of the Church, or in some other safe place, to the use of the Poor, at the oversight and discretion



cretion of the Mayor, Officers, and others before mentioned.

CCLIII. 5 *Eliz.* 3. § 6. *N.* 3. And if the said Collectors or any of them do refuse to make their said account within the eight days next after request made to them for the same, then the Bishop of the Diocese or the Ordinary of the place, Chancellors or their Commissaries, together with a Justice of Peace and the Church-wardens of the said parish, or one of them shall have Authority by vertue of this Act, upon complaint to them made, to commit the said person or persons so refusing, to Ward, there to remain without Bail or mainprise, until he or they so refusing shall make their said accounts before such persons as the said Bishop, Ordinary, Chancellors or Commissaries and Justices of Peace shall appoint, and to make Immediate payment of the sums wherewith by determination of the said account they shall be charged. *Account.*

CCLIV. 5 *Eliz.* 3. § 7. *N.* 3. And if the person or persons, so sent for (*viz.* 5 & 6 *Ed.* 6. 2. § 5. *N.* 2.) of his or their froward or wilful mind, shall obstinately refuse to give weekly for the relief of the poor, according to his or their abilities, that then the Bishop or Ordinary of the Diocese, Chancellors or Commissaries, shall have full power and Authority by vertue of this Act, to bind the said obstinate and wilfull persons so refusing, unto the Queen by recognizance in the the sum of 10 *l.* which condition thereupon to be indorsed, that the said obstinate person so refusing shall personally appear before the Justices of Peace of the County, where the same person shall then inhabit and dwell, if it be out of any City, Borough or Town-Corporate, and if it be within any City, Borough or Town-Corporate, then before the Mayors, Bailiffs, or other Head-Officers of every such City, Borough or Town-Corporate, at the next General Sessions, to be holden before the said Justices, within the said County, or at the next Court to be holden before the said Mayors, Bailiffs, or other Head-Officers, within every such City, Borough or Town Corporate; and that the same obstinate person shall not from thence depart, without the License of the said Justices, if he dwell out of any City, Borough or Town-Corporate, of the said Mayor, Bailiff, or other Head-Officers, if he dwell within any such City, Borough or Town-Corporate. *Ordinary.*

CCLV. 5 *Eliz.* 3. § 7. *N.* 4. And if any such obstinate person shall refuse to be bound as is aforesaid, that then the said Bishop, Ordinary, Chancellor or Commissary, shall have Authority by this Act, to commit the said Obstinate person to prison, there to remain without Bail or mainprise until the said obstinate person shall become bound as is aforesaid. *Imprisonment*

CCLVI. 5 *Eliz.* 3. § 8. *N.* 1. And further be it Enacted, &c. that the said Justices, or such of them, as shall be at the said Sessions, or the Mayor, Bailiffs, or other Head-Officers, of every such City, Borough or Town-Corporate, if the said obstinate person do appear before them, shall Charitably and gently perswade and move the said obstinate persons to extend his or their Charity towards the relief of the poor of the parish, where he or she inhabiteth and dwelleth. *Justices.*

CCLVII. 5 *Eliz.* 3. § 8. *N.* 2. And if he or she shall obstinately and wilfully stand in the same, and will not be perswaded therein by the said Justices, Mayor, Bailiff, or other Head-Officers, that then it shall and may be lawful to and for the said Justices, if it be out of any City, Borough or Town-Corporate, for the Mayor, Bailiff, or other Head-Officers of the same City, Borough or Town-Corporate, with the Church-wardens, where the said obstinate person shall inhabit or one of them, to sesse, tax and limit upon every such obstinate person so refusing, according to their Good discretions, what sum the said obstinate person shall pay weekly towards the relief of the Poor within the said Parish, where he or she shall inhabit and dwell. *Taxes.*

CCLVIII.

*Taxes.*

CCLVIII. 5 *Eliz.* 3. § 8. N. 3. And if the said person so seised and taxed shall refuse to pay the sum that shall be so reasonably limited, taxed and appointed, then the said Justices of Peace, or two of them, whereof one to be of the *Quorum*, or the said Mayor, Bailiff, or other Head-Officers of every such City, Borough or Town-Corporate, shall have full power and Authority by vertue of this Act, upon complaint and certificate to them by the Collectors and Church-wardens of the same Parish where the said obstinate person shall dwell, to commit the said obstinate person and persons so refusing to pay, to Prison to the next Goal, there to remain without Bail or mainprise, till he or they have paid the said sum so appointed taxed and limited, together with the Arrears thereof, if any such shall fortune to be.

*Certificate.*

CCLIX. 5 *Eliz.* 3. § 10. N. 6. And if the said Justices of Peace, shall fail to appoint a day and time for inspection of the said poor, and examination of the said Certificators (*viz.* 2 & 3 *Ph. & Mar.* 5. § 7. N. 4.) within one month next ensuing the day of the receipt of the said certificate, or shall grant or give License to any person or persons, so certified to go abroad and beg, before such time as they shall have viewed and seen the said poor persons and have received Oath of the persons that so certified, that the said poor persons for age impotence or sickness in their Consciences and to their knowledge are not able by any work or labor, to earn them necessaries, meat, drink and cloth, and the same deposition put in writing, subscribed or marked by the persons deposed, to forfeit for every such default 10 *l.* to be employed to the use of the poor of any parish or parishes, within the said County where the said Justices dwell, at the oversight and appointment of the Bishop, or his Chancellor of the same Diocess, to be levied in sort and form as other forfeitures in this Statute are appointed.

*Justices.*

CCLX. 5 *Eliz.* 3. § 11. N. 1. And be it further Enacted, that where any the said Cities, Boroughs, Towns-Corporate, or Parish so charged, is Situate and standing in one County, or two Counties, of this Realm, or Situate and standing in one and immediately adjoining to another County of the Realm, as the City of *Bristol*, and the Town of *Ludlow* and *Stanford* stand, that in those Cities, the Parson, Vicar and Curate of the said Parish, and the said Mayor, Head-Officers and Inhabitants of every such City, Borough, Town-Corporate, and Parish, shall make certificate unto the Justices of the said Counties adjoining to the same Cities, Boroughs, Towns-Corporate and Parishes, and the same Justices of the said adjoining County or Counties, to do, give License and follow the order above remembred, according as other Justices of the Counties in which the Parish surcharged standing is limited and Authorized to do, 2 & 3 *Ph. & Mar.* 5. § 8. N. 1.

*Continuance.*

CCLXI. 5 *Eliz.* 3. § 13. N. 3. This Act to indure to the latter end of the first Session of the next Parliament, 13 *Eliz.* 25. § 12. N. 2.

*Incumbent.*

CCLXII. 5 *Eliz.* 3. § 16. N. 1. Provided always and be it further Enacted that the Curate, Minister, or Reader, together with the Wardens of every Chappel of *Ease*, and where no Wardens are, the Warden or two of the chiefest of the Inhabitants resorting and frequenting the said Chappel of *Ease* for hearing divine service, the same inhabitants to be nominated and chosen by the same Curate, Minister or Reader.

*Officer.*

CCLXIII. 5 *Eliz.* 3. § 16. N. 2. And also the Collectors and all and every other person and persons to whom in this behalf it shall appertain by force of this Statute, shall do, execute, perform and be lyable to all and every such ordinance, clause, article, sentence and penalties, specified and contained in this present Act, for and towards the releif of the poor, in like man-

manner and form as the Vicar, Curate, Church-wardens and Collectors of every Parish Church, shall, may or ought to do by force of this Act, according to the purport and true meaning of the same, and not be compellable to come or resort to their Parish Church, for the same only purpose or intent, any thing in this Act before specified to the contrary notwithstanding.

CCLXIV. 5 *Eliz.* 3. § 17. N. 1. Provided also that this Act, or any thing therein contained, shall not in any wise extend or be prejudicial to any Gift, Legacy, Conveiance or Assignment of any manner of Lands, or other profit heretofore Given, Assigned or Bequeathed to the relief of the Poor, reparation of Highways or Bridges, upon any manner of condition, but that the same shall be employed, converted, bestowed and accounted for in such manner and form, and upon such condition as the same lawfully was or ought to be before the making of this Act. *Charity.*

CCLXV. 5 *Eliz.* 20. § 3. N. 1. And yet moreover, (*viz.* Beside 1 & 2 *Egyptians.* *Ph. & Mar.* 4.) be it Enacted, &c. that all, &c. which, &c. shall be seen or found within this Realm of England or Wales, in any Company or Fellowship of Vagabonds, commonly called, &c. *Egyptians* or counterfeiting, &c. *Egyptians*, and that shall or do continue and remain in the same, either at one time or at several times, by the space of one month, &c. shall by vertue of this Act be deemed and Judged a Felon, &c.

CCLXVI. 13 *Eliz.* 17. § 1. N. 2. For the better perfection and doing whereof (*viz.* Of a *Meason de Dieu*, &c.) be it Enacted, &c. that the said Robert Earl of Leicester, his Heirs, Executors or Assigns, at his or their Wills and Pleasures, shall have full power, strength, license and lawful Authority, to erect found and establish one Hospital or *Meason de Dieu* within the said Town of Warwick, or else within the said Town of Kenelworth, at his or their choice and election, for the finding, sustentation and relief of poor, needy and impotent people, to have a continuance for ever. *Hospital.*

CCLXVII. 14 *Eliz.* 5. Where all the parts of this Realm, and Wales, *Vagabonds.* be presently with Rogues, Vagabonds and Sturdy Beggars, exceedingly pestered, by means whereof daily happeneth in the same Realm horrible Murders, Thefts, and other great Outrages, to the high displeasure of Almighty God, and to the great annoyance of the Common-weal, 35 *Eliz.* 7. § 24. N. 1.

CCLXVIII. 14 *Eliz.* 5. § 1. N. 2. And for avoiding confusion by reason of numbers of Laws concerning the premisses standing in force together. *Parliament.*

CCLXIX. 14 *Eliz.* 5. § 1. N. 3. Be it Enacted that the Statute, &c. *Continuance.* (*viz.* 22 *H.* 8. 12.) and one other Act, &c. (*viz.* 3 & 4 *Ed.* 6. 16.) and one other Act, &c. (*viz.* 5 *Eliz.* 3.) and every Branch, Article, Clause and Sentence in them and every of them contained, shall be from and after the Feast of Saint Bartholomew the Apostle, next coming, utterly void, frustrate and of none effect.

CCLXX. 14 *Eliz.* 5. § 2. N. 1. Be it also Enacted, &c. as well for the utter suppressing of the said outrageous enemies to the common-weal, as for Charitable relieving of the aged and impotent poor people in manner and form following. *Nusans.*

CCLXXI. 14 *Eliz.* 5. § 2. N. 2. First that all and every person and persons, whatsoever they be, being above the age of fourteen years, being hereafter set forth by this Act of Parliament, to be Rogues, Vagabonds or Sturdy Beggars, and be at any time after the Feast of Saint Bartholomew the Apostle next coming taken Begging in any part of this Realm, or taken Vagrant wandering and misordering themselves contrary to the purport of this *Infant.*



this present Act of Parliament in any part of the same, shall upon their apprehension be brought before one of the Justices of the Peace, or Mayor, or Chief-Officers of Cities, Boroughs or Towns-Corporate, within the County, City, Borough or Town-Corporate where the Apprehension shall happen to be.

*Imprisonment.* CCLXXII. 14 *Eliz.* 5. § 2. N. 3. And by the said Justice or Head-Officer, to be presently committed to the common Goal of the said County, being apprehended within the County, or else such other place as by the Justices of Peace of that County or three of them, at any their general Sessions shall be appointed.

*Corporation.* CCLXXIII. 14 *Eliz.* 5. § 2. N. 4. And if he be taken within any City, Borough or Town-Corporate, then to be committed to the said City, Borough or Town-Corporate,

*Bail.* CCLXXIII. 14 *Eliz.* 5. § 2. N. 5. There to remain without Bail or Mainprize, until the next Sessions of the Peace or general Goal-Delivery for the said Shire, City, Borough or Town-Corporate to be holden, which shall first happen.

*Constable.* CCLXXV. 14 *Eliz.* 5. § 2. N. 6. And the Constables or other Officers for the conveying of such Rogue or Vagabond by Commandment of the said Justices, to have such reasonable charges for themselves and the Prisoner from time to time, born by the Parish or Parishes where the said Rogue or Vagabond shall happen to be taken, as to the discretion of the Justices of Peace present at the next Assizes, or at the Sessions of the Peace then next kept within the limit where the Prisoner is apprehended, shall seem convenient.

*Sessions.* CCLXXVI. 14 *Eliz.* 5. § 2. N. 7. At which Sessions or Goal-delivery, if such person or persons be duly convict of his or her Roguish or Vagabonds trade of Life, either by Inquest of Office, or by the Testimony of two honest and credible Witnesses upon their Oaths, that then immediately he or she shall be adjudged to be grievously whipped and burnt through the Gristle of the right Ear with an hot Iron of the compass of an Inch about, manifesting his or her punishment received for the same, whereof entry shall be made of Record by the Clerk of the Peace of the same Shire, in the Records of the same Sessions.

*Execution.* CCLXXVII. 14 *Eliz.* 5. § 2. N. 8. Which Judgment shall also presently be executed, except some honest person valued at the last Subsidy next before that time, to 5 *l.* in Goods, or 20 *s.* in Lands, or else some such honest Householder, as by the Justices of Peace of the same County, or two of them shall be allowed, will of his Charity be contented presently to take such Offender before the same Justices, into his Service for one whole year next following, and to that end will presently before the said Justices enter into Bond by Recognizance to the use of our Sovereign Lady the Queen, to pay to our said Sovereign Lady the sum of 5 *l.* if he keeps not the said Offendor in his Service by the space of the said whole year, and to bring him or her unto the Sessions at the years end, or then good proof of his or her death during the said year.

*Fees.* CCLXXVIII. 14 *Eliz.* 5. § 2. N. 9. The said Clerk of the Peace taking for the said Recognizance, but 12 *d.* only.

*Departure.* CCLXXIX. 14 *Eliz.* 5. § 2. N. 10. And if such Rogue or Vagabond so taken into Service, depart within the said year from the said Service, against the will of him that so taketh him or her into Service, that then such Rogue or Vagabond shall be whipped, and burnt through the Gristle of the right Ear with a hot Iron, as is aforesaid.

*Bail.* CCLXXX. 14 *Eliz.* 5. § 3. N. 1. Provided always nevertheless, that if the said person so committed or to be committed, come before the next Sessions

Sessions of the Peace or the next Goal-delivery to be holden for the said County, or before their committing and do find any such Surety as is next before recited to be bound in form aforesaid, for him or her for one whole year, then the said person shall not tarry in the Goal till the next Sessions, or till the next Goal-delivery.

CCLXXXI. 14 Eliz. 5. § 4. N. 1. And be it further Enacted, that the said *Pain.* person or persons so marked or adjudged to be burnt as aforesaid, shall not be dealt withal again by way of punishment by the space of forty days next after the said punishment executed, or adjudged to be burnt as is aforesaid, if he or she have Licence for the said forty days from two Justices of the Peace of the same Shire, testifying the Punishment received or Judgment given.

CCLXXXII. 14 Eliz. 5. § 4. N. 2. But if after the said punishment *Coron.* Executed, or Judgment given, the said person or persons, so marked or having received such Judgment, do after threescore days next after he, she or they shall be so marked, either in the same County where he or she was so marked, or having received such Judgment, or else in any other County within the said Realm of *England* or *Wales*, being of the age of Eighteen years or above, do Eftsoons fall again to any kind of Roguish or Vagabond trade of life, that then the said Rogue, Vagabond or Sturdy Begger, from thenceforth to be taken adjudged and deemed, in all respects as a Felon.

CCLXXXIII. 14 Eliz. 5. § 4. N. 3. And shall in all degrees receive, have, *Forfeiture.* suffer and forfeit as a Felon, except some honest person valued at the last subsidy next before that time to 10 *l.* in Goods, or 40 *s.* in Lands, or else some such honest House-holder, as by the Justices of Peace of the same County or two of them, shall be allowed of meer Charity, will be contented before such Justices, as the said Vagabond is or shall be arraigned of Felony, to take him or her into his service for two whole years, then next following, and then before the same Justices, will then presently put in Bond by Recognizance of 10 *l.* to be levied of his Lands, Tenements, Goods and Chattels, to the use of our said Sovereign Lady, If he keepeth not the said offender in his service for two whole years, and bring him or her unto the Sessions at the said two years end, or good proof of his or her Death.

CCLXXXIV. 14 Eliz. 5. § 4. N. 4. And if such Rogue or Vagabond, *Departure.* so taken into service, depart within the same two years, from his or her said service against the will of him that so took him or her into his service, that then such Rogue or Vagabond, shall be taken adjudged and deemed as a Felon in all respects, and shall in all degrees have, suffer and forfeit, as a Felon without allowance or benefit of Clergy or Sanctuary.

CCLXXXV. 14 Eliz. 5. § 4. N. 5. And if such Rogue or Vagabond, *Coron.* after 40. days next after he or she shall be two several times taken into service as is aforesaid, do either in the said County or elsewhere Eftsoons the third time, fall again to a kind of Roguish or Vagabond trade of life, that then such Rogue or Vagabond, shall be adjudged and deemed for a Felon and suffer pains of Death, and loss of Lands and Goods, as a Felon without allowance or benefit of Clergy or Sanctuary.

CCLXXXVI. 14 Eliz. 5. § 5. N. 1. And for the full expressing what *Vagabond.* person and persons, shall be intended withing this branch, to be Rogues, Vagabonds and Sturdy Beggars, to have and receive the punishment aforesaid for the said lewde manner of life.

CCLXXXVII. 14 Eliz. 5. § 5. N. 2. It is now published, &c. that all *Attorny.* and every such person and persons, that be or utter themselves to be Proctors or Procurators, going in or about any Country or Countries, within this Realm, without sufficient Authority, derived from or under our Sovereign Lady the Queen.

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CCLXXXVIII.

- Games.* CCLXXXVIII. 14 *Eliz.* 5. § 5. N. 3. And all other Idle persons, going about in any County of the said Realm, using subtilie, crafty and unlawful games or plays, and some of them feigning themselves to have knowledge in Phisnomy, Palmistry, and other abused Sciences, whereby they bear the people in hand they can tell their Destinies, Deaths, and Fortunes, and such other like fantastical Imaginations, 22 *H.* 8. 12. § 6. N. 2.
- Ability.* CCLXXXIX. 14 *Eliz.* 5. § 5. N. 4. And all and every person and persons, being whole and mighty in body and able to labor, having not Land nor Master, nor using any lawful Merchandize, Craft or Mistry, whereby he or she might get his or their living, and can give no reckoning how he or she both lawfully get his or her living.
- Games.* CCXC. 14 *Eliz.* 5. § 5. N. 5. And all Fencers, Bearwards, Common-players in Enterludes and Minstrels, not belonging to any Baron of this Realm, or towards any other Honorable personage of greater degree, all Inglers, Pedlers, Tinkers, and pety Chapmen, which said Fencers, Bearwards, Common-players in Enterludes, Minstrels, Inglers, Pedlers, Tinkers, and pety Chapmen, shall wander abroad and have not Licence of two Justices of Peace at the least, whereof one to be of the *Quorum*, where and in what Shire they shall happen to wander, 5 & 6 *Ed.* 6. 21. *Crompt* 199. b.
- Laborers.* CCXCI. 14 *Eliz.* 5. § 5. N. 6. And all Common Laborers, being persons able in body, using loytering and refusing to work for such reasonable wages as is taxed and Commonly given in such parts, where such persons do or shall happen to dwell.
- Forgery.* CCXCII. 14 *Eliz.* 5. § 5. N. 7. And all Counterfeiters of Licence, Passports, and all users of the same, knowing the same to be Counterfeit.
- Scholars.* CCXCIII. 14 *Eliz.* 5. § 5. N. 8. And all Scholars of the Universities of *Oxford* or *Cambridge*, that go about Begging, not being authorized under the Seal of the said Universities, by the Commissary, Chancellor or Vice Chancellor of the same, 12 *Ric.* 2. 7. § 1. N. 4.
- Mariners.* CCXCIV. 14 *Eliz.* 5. § 5. N. 9. And all Shipmen pretending losses by Sea, other then such as shall be hereafter provided for.
- Imprisonment.* CCXCV. 14 *Eliz.* 5. § 5. N. 10. And all persons delivered out of Goals that Beg for their their Fees, or do travail to their Countries or Friends, not having Licence from two Justices of the Peace of the same County where he or she was delivered,
- Vagabond.* CCXCVI. 14 *Eliz.* 5. § 5. N. 11. Shall be taken, adjudged and deemed Rogues, Vagabonds, and sturdy Beggars, intended of by this present Act.
- Vagabonds.* CCXCVII. 14 *Eliz.* 5. § 5. N. 12. Together with all and every such other person and persons, as shall be hereafter for altering and breaking of such Good Orders, as in the second part of this present Act shall be Established for the relief of the aged and impotent Poor people, set forth and declared to be Vagabonds.
- Cottages.* CCXCVIII. 14 *Eliz.* 5. § 6. N. 1. And further be it Enacted, that if any person or persons, after the said Feast of Saint *Bartholomew*, give any Harborough, Mony or Lodging, or any other relief to any Rogue, Vagabond or sturdy Begger, either marked as before, or not marked not having such a Licence as is before recited, from two Justices of the Peace, then in Continuance, and that duely proved before the Justices of Peace at their Quarter Sessions, shall make such fine to the Queens Majesty, as by the discretions of the said Justices or the more part of them at the General Sessions shall be assessed, so as the same exceed not 20 s. *West. Symb.* 2 part 127. b. *Secl.* 194.
- Proces.* CCXCIX. 14 *Eliz.* 5. § 6. N. 2. And also if any person or persons do



do disturbe or let the Execution of this Act, in any manner of wife, or make rescouse against any Mayor, Bailiff or other person that shall endeavour himself for or about the due Execution hereof, shall forfeit and lose 5 l. and over that shall have Imprisonment at the Queens Majesties pleasure.

CCC. 14 Eliz. 5. § 7. N. 1. Provided always that this Act, nor any thing herein contained, shall not extend to make any person or persons, Accessary or Accessaries, to the Felonies made by this Statute, nor that any attainer by any the Felonies aforesaid shall work or be any corruption of blood in the Issues or line of the person attainted. *Accessary.*

CCCI. 14 Ed. 5. § 8. N. 1. Provided also that it shall be still lawful to all Masters and Governors of the Hospitals, to lodge or Harbor any impotent or aged person or persons, of Charity or Alms, according to their foundation, and to give Mony in Alms, in as large manner as they are bound to do by their foundation to any such aged or impotent person, any thing herein contained to the contrary in any wise notwithstanding. *Hospital.*

CCCII. 14 Eliz. 5. § 9. N. 1. Provided always that Ship-men and Souldiers having Licence of the next two Justices of the Peace, to the place where they first hapned to Land, or where they first entred into this Realm, shall and may pass according to the purport of their Licence, and intent of this Act of Parliament, any thing herein contained to the contrary in any wise notwithstanding. *Licence.*

CCCIII. 14 Eliz. 5. § 10. N. 1. Be it also further provided that no Licence recited in this Statute shall give any manner liberty, or be of any manner force, but only in the Shire, whereof the grantor or grantees of such Licence shall be Justice or Justices of Peace. *Licence.*

CCCIV. 14 Eliz. 5. § 10. N. 2. Wherefore if the said party Licensed will have any further passage, without the danger of this law, than the Shire where his first Licence is granted, it shall be lawful for him to procure and get in every other Shire, where he intendeth to pass one other Licence from two Justices of the Peace of the said Shire, and so from Shire to Shire, to the end of his Journey. *Licence.*

CCCV. 14 Eliz. 5. § 10. N. 3. Be it also provided that this Act, nor any thing therein contained, do in any wise extend to any Cockers or Harvest Folks that travail into any Country of this Realm, for harvest work, either Corn Harvest, or Hay-Harvest, if they do work and labor accordingly. *Husbandry.*

CCCVI. 14 Eliz. 5. § 10. N. 4. Neither yet to any that hapneth to be robbed or spoiled by the way. *Robbery.*

CCCVII. 14 Eliz. 5. § 10. N. II. Neither yet to any Serving-men, that be of honest behavior, that be turned from their Masters, or whose Master or Mistres shall be dead, for the space of six months next after such turning away, or death of such Master or Mistres, so as every such Serving-man hath a testimonial from his Master or Mistres, or from two Justices of the Peace of the same County, declaring such turning away, or such death of his Master or Mistres. *Apprentice.*

CCCVIII. 14 Eliz. 5. § 11. N. 1. Provided always that it shall be lawful to the Lord Chancellor or Lord Keeper of the Great Seal of England, for the time being, to make Licence under the said Great Seal, as heretofore hath been accustomed, and that the said Licence and Licences, shall as largely extend as the contents of them will bear, any thing herein to the contrary in any wise notwithstanding. *Licence.*

CCCIX. 14 Eliz. 5. § 12. N. 1. Provided always and be it further Enacted, &c. that this present Act or any thing therein contained shall not extend to make frustrate or void any safe Conduct, Passport or Licence made *Onster le mere.*

and granted, or to be made and granted, by the Lord Deputy of *Ireland*, or by the Lord Governor of the Towns and Garrisons of *Berwick* or *Carlisle*, for time being, or any other Chief Captain or Governor, of any Castle or Fortrefs of the Queens Majesties, or by any other in his or their absence, having the said charge of the said Towns and Garrisons, or by any of the Guardians of the three Marches towards *Scotland*, or by any General, Lieutenant, or other Chief-Officer, appointed by the Queens Majesty, to have the charge and conduct of any Army, Garrison or Power of men, levyed or to be levyed by her Highness order and appointment, and for the special service and affairs of Her Majesty, her Heirs or Successors, or by any Private Captain, upon the dispersing of any Army only to any Souldier or Souldiers, or any other person or persons whatsoever within this her Realms of *England*, and *Ireland*, passing by vertue thereof about his or their lawful business and affairs, but that he or they shall and may quietly without any let or disturbance enjoy the benefit effect and true meaning thereof in as large and ample manner, and form, as heretofore hath been used and accustomed, any thing in this present Act mentioned to the contrary in any wise notwithstanding.

*Infant.*

CCCX. 14 *Eliz.* 5. § 13. N. 1. Provided always that this present Act or any thing therein contained, shall not in any wise extend to the punishment of any such person or persons, as by this Statute are limited for Rogues, unless the same be of the age of fourteen years or above, but that they and every of them under the age, shall be punished with whipping or stocking, as heretofore hath been used and appointed by the Laws and Statutes in that case provided and now repealed, this Act, or any thing therein contained to the contrary hereof in any wise notwithstanding.

*Constable.*

CCCXI. 14 *Eliz.* 5. § 14. N. 1. And it is further Enacted, &c. that if within any Town or Parish, where any such Vagabond or Rogue, shall happen to beg or make his abode contrary to the form of this Statute, if the Constable or Tything-men, be negligent and do not his or their best endeavour for the apprehension of such Vagabond or Rogue, which there shall beg or make abode contrary to the form in this Statute limited, or shall willingly suffer the said Vagabond or Rogue, to escape from the punishment or order in this Statute prescribed, that then the said Constable or Tything-men in whom such default shall be, shall lose and forfeit for every such Vagabond and Vagrant person, that shall be so suffered to beg or make abode within his Authority contrary to the form of this Statute, 6 s. 8 d.

*Cottages.*

CCCXII. 14 *Eliz.* 5. § 14. N. 2. And forasmuch as Charity would that Poor, Aged and Impotent persons, should as necessarily be provided for, as the said Rogues, Vagabonds and sturdy Beggars repressed, and that the said aged, impotent and Poor people, should have convenient Habitations, and abiding places, throughout this Realm, to settle themselves upon, to that end, that they nor any of them should hereafter beg or wander about.

*Justices.*

CCCXIII. 14 *Eliz.* 5. § 14. N. 3. It is therefore Enacted, &c. that the Justices of Peace, of all and singular the Shires of *England* and *Wales*, within the limits of their Commissions, and all other Justices of the Peace, Mayors, Sheriffs, Bailiffs, and other Officers, and all and every City, Borough, Riding and Franchise, within this Realm, whereof they be Justices of the Peace, within the limits of their Authority, shall at or before the said Feast of Saint *Bartholomew* next coming, divide themselves, and so being divided, shall within every of their several divisions and Authorities make diligent search and enquiry, of all Aged, Poor, Impotent and decayed persons, born within their said divisions and limits, or which were there

there dwelling within three years next before this present Parliament, which live, or of necessity be compelled to live by Alms of the Charity of the people that be or shall be abiding within the limits of their Commissions and Authorities.

CCCXIV. 14 *Eliz.* 5. § 14. N. 4. And shall upon that search made, make a Register-Book containing the Names, and Surnames of all such Aged, Decayed and Impotent Poor people, as be within their said limits and Authorities, which shall always remain with the said Justices, Mayors, Bailiffs, or other Head-Officers, or any one of them. *Records.*

CCCXV. 14 *Eliz.* 5. § 14. N. 5. And when the number of the said Poor people, forced to live upon Alms, be by that means truly known, then the Justices, Mayors, Sheriffs, Bailiffs and other Officers, shall within like convenient time, devise and appoint, within every of their several divisions, meet and convenient places by their discretions to settle the same Poor people, for their Habitations and abidings, if the Parish within the which they shall be found shall not or will not provide for them. *Cottages.*

CCCXVI. 14 *Eliz.* 5. § 14. N. 6. And shall also within like convenient time number all the said Poor people within their said several limits, and thereupon having regard to the number set down, what portion the weekly charge towards the relief and sustentation of the said Poor people, will amount unto within every their said several divisions and limits. *Apportionment.*

CCCXVII. 14 *Eliz.* 5. § 14. N. 7. And that done they the said Justices, Mayors, Sheriffs, Bailiffs, and other Officers, within every their several Commissions, Authorities, Divisions and limits, shall by their good discretions, Tax and assesse all and every the Inhabitants, dwelling in all and every City, Borough, Town, Village, Hamlet and Place, known within the said limits and divisions, to such weekly charge, as they and every of them shall weekly contribute towards the relief of the said Poor people. *Taxe.*

CCCXVIII. 14 *Eliz.* 5. § 14. N. 8. And the names of all such Inhabitants Taxed, shall also enter into the said Register-Book, together with their Taxation. *Record.*

CCCXIX. 14 *Eliz.* 5. § 14. N. 9. And also shall by their discretions within every their said divisions and limits, appoint to see Collectors, for one whole year to be appointed of the said weekly portion, which shall Collect and gather the said proportion, and make delivery of so much thereof, according to the discretion of the said Justices, Mayors, Sheriffs, Bailiffs, and other Officers, to the said Poor people, as the said Justices, Mayors, Sheriffs, Bailiffs, and other Officers shall appoint them. *Officers.*

CCCXX. 14 *Eliz.* 5. § 14. N. 10. And also shall appoint Overseers of the said Poor people, by their discretions, to continue also for one whole year. *Overseers.*

CCCXXI. 14 *Eliz.* 5. § 14. N. 11. And if they do refuse to be Overseers, then every of them so refusing, to forfeit 10 s. for every such default. *Officers.*

CCCXXII. 14 *Eliz.* 5. § 15. N. 1. And be it further Enacted, &c. *London.* that the Mayor of the City of *London*, and the Mayor, Sheriffs, Bailiffs, and other Head-Officers, of every other City, Borough or Town-Corporate, or his or their sufficient Deputy or Deputies, within their Cities, Boroughs and Towns-Corporate, and the Constables or Tythingmen, of all and every Hundred, Rape and Wapentake, within all and every such abiding place and places, within their Hundreds, limits and precincts, as shall be appointed to settle the Poor people in, shall once every month next after the said places so appointed be inhabited with the said Poor people,



people, according to the intent of this present Act of Parliament, make a view and search of all the Aged, impotent and Lame persons, within the precinct of their Jurisdictions.

*Lies.*

CCCXXIII. 14 *Eliz.* 5. § 15. N. 2. And all such person and persons, as they shall find, not being born within that division, nor within the said Cities, Boroughs or Towns-Corporate, then shall they presently see the same Poor people, not there born, nor dwelling within the said three years, (except Leprous people and Bedrid people) to be conveyed on Horseback, in Cart, or otherwise, as shall seem best to their discretions, to the next Constable, and so from Constable to Constable, the directest way, till the said person and persons, be brought to the place where he or she was born, or most conversant by the space of three years next before.

*Hospitals.*

CCCXXIV. 14 *Eliz.* 5. § 15. N. 3. And there to be put in the abiding place, or one of the abiding places of that County, appointed or to be appointed for the Habitation of the Poor people of that County, there to be provided, kept and nourished of Alms, as is aforesaid, upon pain of 20 s. every of the said Officers that is neglecting.

*Vagabonds.*

CCCXXV. 14 *Eliz.* 5. § 16. N. 1. And be it further Enacted, &c. that if any of the said Poor people, upon the appointment of the said Justices, or other Officers refuse to be bestowed in any of the abiding places before mentioned, but covet still to hold on their trade of Begging, or after they be once bestowed in the said abiding place or places, do depart and beg, then the said person or persons so offending, for the first offence to be accounted a Rogue or Vagabond, in the first degree of punishment, set forth by this Act in all points.

*Pain.*

CCCXXVI. 14 *Eliz.* 5. § 16. N. 2. And if he, she or they do the second time offend, they to be esteemed as a Rogue or Vagabond, in the last degree of punishment set forth by this Act in all points.

*Forfeiture.*

CCCXXVII. 14 *Eliz.* 5. § 17. N. 1. And it is further Enacted, &c. that if any manner of person or persons, appointed and Elected to be Collectors, as is aforesaid, shall refuse the said Office, or shall after he hath agreed to it neglect the same, he shall forfeit and lose for every offence to the use of the Poor of the same place, 40 s. of lawful money of *England*, to be levied by distress, or recovered by Action, Bill, Plaint or Information, in any Court of Record, or Lords Court, by the High-Constables or Tythingmen aforesaid, in which suit no Essoyn, Protection nor Wager of Law shall be allowed or admitted to the party Defendant.

*Constable.*

CCCXXVIII. 14 *Eliz.* 5. § 17. N. 2. And if the said High-Constables shall be remiss or negligent to sue, or shall refuse to sue the said Collectors, and every of them, within two months next after such refusal or negligence in or by the said Collector, that then the said High-Constables or Tythingmen, shall forfeit and lose 5 l. of lawful money of *England*, to the use of the Poor of the same place.

*Justices.*

CCCXXIX. 14 *Eliz.* 5. § 17. N. 3. To be sued for, by and in the name of two of the next Justices of the said place or places, being out of the Cities, Boroughs and Towns Corporate.

*Corporation.*

CCCXXX. 14 *Eliz.* 5. § 17. N. 4. If within, then by Mayor, Bailiffs, or other Head-Officers of the said Cities, Boroughs or Towns-Corporate, in any Court of Record, or Lords Court, by Action of Debt, Bill, Plaint or Information, in which no Essoyn, Protection or Wager of Law shall be allowed.

*Account.*

CCCXXXI. 14 *Eliz.* 5. § 18. N. 1. And further be it Enacted that the said Collectors and every of them so to be chosen, as is aforesaid, shall make their just account half yearly of their said Collecting and gathering to two Justices of the Peace dwelling next to the said abiding place or places, not being

being within any City, Borough or Town-Corporate, or to the Mayor, Sheriffs, or other Chief-Officers of the said Cities, Boroughs or Towns-Corporate.

CCCXXXII. 14 *Eliz.* 5. § 18. N. 3. And when they go out of their Offices, they shall deliver or cause to be delivered forthwith upon their accounts all such surpluses of their Collection and gathering, as shall then remain undistributed, to be ordered by the said Justices, Mayors, Bailiffs, or other Head-Officers, upon the said pain of 10 *l.* *Accounts.*

CCCXXXIII. 14 *Eliz.* 5. § 18. N. 4. If any such Collector shall refuse to make his said account, or neglect the same by the space of fourteen days after request to him therefore made, then the said two Justices, or one of them to commit the said Collector to the next Goal for the said County, there to remain without Bail or mainprize, till he have made his said account, and immediate payment and delivery of all such surpluses as he hath received. *Imprisonment*

CCCXXXIV. 14 *Eliz.* 5. § 19. N. 1. And be it further Enacted, that if any person or persons being able to further this Charitable work, will obstinately refuse to give towards the help and relief of the said Poor people, or do wilfully discourage others from so charitable a deed, the said obstinate person, or wilful discourager shall presently be brought before two Justices of the Peace, whereof one to be of the *Quorum* of the same County, to show the cause of his obstinate refusal, or wilfull discouragement, and to abide such order therein, as the said Justices shall appoint, if he refuse so to do, then to be committed to the next Goal for the said Shire, there to remain until he be contented with their said order and do perform the same. *Taxes.*

CCCXXXV. 14 *Eliz.* 5. § 20. N. 1. And it is also further Enacted that if any of the said aged and impotent persons, not being so diseased, lame or impotent, but that they may work in some manner of work, shall be by the Overseers of the said abiding place, appointed to work, if they refuse, then in form aforesaid to be whipped and stocked for their first refusal, and for their second refusal to be punished as in case of Vagabondy in the first degree of punishment. *Laborers.*

CCCXXXVI. 14 *Eliz.* 5. § 21. N. 1. Provided always and be it further Enacted, &c. that three Justices of the Peace, whereof one to be of the *Quorum*, of and with the surpluses of the said Collections and forfeitures, (the said Poor and Impotent people satisfied and provided for,) shall by their discretions in such convenient place and places, within their said Shires, as they shall think meet, place and settle to work the Rogues and Vagabonds, that shall be disposed to work, born within their said Counties or there abiding for the most part, within the said three years, there to be holden to work by the oversight of the said Overseers, to get their livings and to live and to be sustained only upon their labor and travail. *Justices.*

CCCXXXVII. 14 *Eliz.* 5. § 22. N. 1. Be it also further Enacted, &c. that if any Beggars Child, being above the age of five years, and under fourteen years, being Male or Female, shall be liked of by any Subject of this Realm, of honest calling, who shall be willing to take the said Child into service, the said Subject shall at the next General Sessions, to be holden for the said County, by order of the Justices there or the most part of them, have the said Child bound with him, if it be a Man Child till the age of twenty four years, if it be a Woman Child till the age of eighteen years. *Apprentice.*

CCCXXXVIII. 14 *Eliz.* 5. § 22. N. 2. If the Child do after depart or be taken or be enticed from the said Master or Mistres, to have their remedy by order of laborers, (*viz.* 23 *Ed.* 3. 2. ) either by way of Action or otherwise as well against the Child as against the taker or inticer thereof. *Infant.*

CCCXXXIX.

- Forfeiture.* CCCXXXIX. 14 *Eliz.* 5. § 23. N. 1. Be it also enacted, &c. that all the forfeitures appointed or to grow by this Statute, except the forfeitures of Justices of Peace, shall wholly go and be employed, to the use of the Poor aforesaid, and shall be levied by distress, by the discretion of the Justices of the same County or two of them, or other Head-Officers aforesaid.
- Justices.* CCCXL. 14 *Eliz.* 5. § 23. N. 3. And that the Justices of Peace, in all Shires of *England*, shall in their Quarter Sessions next after *Easter*, yearly Examine the performance, or not performance of this Statute, according to the tenor thereof, as they are bound to do the Statute of Laborers, (*viz.* 23 *Ed.* 3.) &c. And at their said Sessions shall yearly appoint new Collectors and new Overseers, for the causes aforesaid, and shall then also agree upon new views and searches of the said Impotent people, within every their limits, for the year following if need shall be, and further at their said Sessions, shall take order by their good discretions, for all and every thing and things, that may in any ways further the intent of this Act.
- Justices.* CCCXLI. 14 *Eliz.* 5. § 24. N. 1. And be it further Enacted, &c. that three Justices of Peace, within all the Shires of this Realm, whereof one to be of the *Quorum*, shall have full power by Authority of this present Parliament, to hear and determine all causes, except forfeitures of Justices of Peace, that shall come in question by reason of this present Act.
- Alms.* CCCXLII. 14 *Eliz.* 5. § 25. N. 1. Provided also that forasmuch as it is thought that the Inhabitants of divers Counties, Cities and Towns, within this Realm, be not able to relieve the Poor, Lame and Impotent persons, with mony to be Collected in manner and form aforesaid, and that it were overgreat a burthen to the Collector for to gather Meat, Drink, Corn, or other things for their relief to be employed and bestowed in form aforesaid.
- Licence.* CCCXLIII. 14 *Eliz.* 5. § 25. N. 2. Therefore it is further Enacted, that it shall be lawful to and for the Justices of Peace, in their open Sessions of the Peace, or for the most part of them there assembled, within any the Counties, Cities or Towns of this Realm, where Collections of mony cannot presently be had, as this present Act willeth and appointeth, to grant Licence under their Hands and Seals, to such and so many of the said Poor and Impotent or diseased persons, or to any other person or persons, to be by the said Justices assigned and allowed, for the said Poor
- Charity.* CCCXLIV. 14 *Eliz.* 5. § 25. N. 3. To ask gather and receive within such other Township, or Parishes, of the said County, as the said Justices, or the most part of them, there then in their said Sessions assembled, shall especially name and appoint, limit and assign, the Charitable devotion and Alms, at the House or Houses of the Inhabitants of such Town, Parish or Parishes, by the said Justices Named, Appointed, Limited or Assigned, so that they do appoint the said Poor so to be relieved, only within the Towns and Parishes, being within the divisions of the same Justices, that so shall give such Licence or Licences.
- Lieu.* CCCXLV. 14 *Eliz.* 5. § 25. N. 4. And that the Inhabitants of every such Parish or Parishes, to the which such Poor or Impotent persons, shall be so appointed as is aforesaid, shall be coerced and bound by vertue of this Act under such pain, as to the discretion of the said Justices, there in their Sessions Assembled, or the most part of them shall seem convenient to relieve the said Poor and Impotent persons, in such sort as the said Justices there assembled shall appoint.
- Corporation.* CCCXLVI. 14 *Eliz.* 5. § 26. N. 1. And be it further Enacted, that if it shall happen any City or Town-Corporate, to have in it more Impotent



tent and Poor folks, not able to labour, then the said Town or City, is able to relieve, and the said City or Town-Corporate, is a County of it self, or Situate or standing in one County, and Immediately adjoyning to another, that in those Cities or Towns, the Mayor, or Head-Officers of the said City or Town, shall make Certificate to the Justices of the Counties adjoyning to the said Cities or Towns.

CCCXLVII. 14 Eliz. 5. § 26. N. 2. And the same Justices of the said adjoyning County or Town, in their General Sessions of the Peace, shall give Licence and follow the Order above remembred, according as other Justices of the Counties in the which any Town or Parish surcharged standeth, are before limited and authorized to do. *Licence.*

CCCXLVIII. 14 Eliz. 5. § 27. N. 1. Provided always and be it Enacted, &c. that all and every summ and summs of mony, from henceforth to be Collected or Gathered, within the City of London, and the Liberties of the same, by vertue of this Act, shall be paid unto the Governors of the Hospital, called the Hospital of Christ-Church, within the said City of London for the time being, and shall be by them from time to time distributed, and bestowed for the relief of the Poor of the same City, according to their Wisdoms and discretions, any thing in this Statute contained to the contrary notwithstanding. *London.*

CCCXLIX. 14 Eliz. 5. § 28. N. 1. Provided also and be it Enacted, &c. that all and every summ and summs of mony, from henceforth to be Collected or Gathered, within the City of Coventry, and the Liberties of the same, by vertue of this Act towards the maintenance and relief of the Hospital of Poor people, erected in the same City, shall be paid unto such Governor and Governors of the said Hospital as now is, or hereafter shall be admitted and appointed by the Mayor and Aldermen of the said City of Coventry, or the more part of them for the time being. *Franchis.*

CCCL. 14 Eliz. 5. § 28. N. 2. And such Governor and Governors, so admitted and appointed, as is aforesaid, shall from time to time, distribute and bestow for the reliefe of the Poor within the said City, the said summ or summs of mony, according to their Wisdoms and discretions, any thing mentioned in this Act, to the contrary notwithstanding. *Charity.*

CCCLI. 14 Eliz. 5. § 29. N. 1. Provided also and be it Enacted, &c. that all and every summ and summs of mony, from henceforth to be paid, Collected or Gathered, within the City of Gloucester, Liberties and limits of the same City, for and towards the use or relief of the Poor, and all and every other relief, which shall be due and payable, or is to be yielded within the said City, Liberties or limits, for and towards the relief of the said Poor, shall be from time to time paid and delivered, or otherwise shall stand and be at the only rule, order and disposition of the President, and Governors of the Hospital of Saint Bartholomew, of the Foundation of our most Gracious Sovereign Lady Queen Elizabeth, within the said City of Gloucester for the time being, and shall be by them from time to time distributed, and bestowed for the relief of the Poor of the said City, according to their Wisdoms and Discretions. *Franchis.*

CCCLII. 14 Eliz. 5. § 30. N. 1. And be it further Enacted, &c. that the Bishop of every Diocefs, or his Chancellor, for the time being, shall yearly visit all Hospitals in the Diocefs of such Bishop, where no Visitor by the Founder or Founders is appointed, if the Founder of the said Hospital be then Dead, and to see and take order, that the said Hospital be ordered and used according to the Statutes, and Ordinances of the Foundation thereof, and if the Founder be then living, the said Founder to visit the same, during his life, without any the Bishops Visitation, and the same Visitation to be at the only costs and charges of the Visitors and not of the Hospital. *Ordinary.*

G g g g

CCCLIII.

Ordinary.

CCCLIII. 14 *Eliz.* 5. § 30. N. 4. And that it shall be lawful to the Bishop of the Diocess for the time being where such Hospital is or shall be, or his Chancellor upon complaint or other intelligence of just cause, to take account how the rents, revenues and profits of any such Hospital hath been bestowed and spent, to call before him or them at the said Hospital to account all such person and persons, as have had the Collection or receipt of any the said Rents, Issues, Revenues or profits.

Account.

CCCLIV. 14 *Eliz.* 5. § 30. N. 5. And if any person or persons so called, shall and do refuse to account, or entring into account, shall refuse to proceed and finish the same, or upon finishing thereof, shall refuse forthwith to imploy or answer to the use of the said Hospital, such summe or summes of mony, as upon the same account shall appear to be due by him, that then every such person and persons so refusing, shall forfeit and loose such summe and summes of mony, as to the said Bishop or Chancellor, and to two Justices of the Peace next Inhabiting to the said Hospital, shall be thought meet and convenient.

Account

CCCLV. 14 *Eliz.* 5. § 30. N. 6. To which accounts the said Bishop or Chancellor shall call the same two Justices of the Peace.

Ouster le mere.

CCCLVI. 14 *Eliz.* 5. § 31. N. 1. Provided also and be it further Enacted, &c. that no person or persons, having charge of any Voyage in passing to the Realm of *Ireland*, or from the Isle of man into this Realm of *England*, do from the last day of *June*, next comming, wittingly or willingly transport, bring, carry or convey, or suffer to be transported, brought, carried or conveyed, in any Ship, Picard, Vessel, Boat or Boats from and out of the said Realm of *Ireland*, or from or out of the said Isle of Man, into the Realm of *England* or *Wales*, or any part thereof, any Vagabond, Rogue or Begger, or any such as shall be forced or very like to live by Begging within the Realms of *England* or *Wales*, being born in the Realm of *Ireland*, or in the said Isle of Man.

Ouster le mere.

CCCLVII. 14 *Eliz.* 5. § 31. N. 2. On pain of every such person or persons, so bringing, transporting, carrying or conveying, either suffering to be brought, transported, carryed and conveyed, in manner and form aforesaid, to forfeit and lose for every such Vagabond, Rogue, Begger or other person, which shall be forced or like to live by begging within this Realm of *England* or *Wales*, being transported and set on Land, in any part of *England* or of *Wales*, 20 s. of lawful English mony, to the use of the Poor of the same Parish in which they were set on Land.

Seisure.

CCCLVIII. 14 *Eliz.* 5. § 31. N. 3. To be levied by the Collectors of the same Poor, for the time being by seisure and selling of any the Goods and Chattels of the same person, which shall so bring, transport, carry or convey any such Rogue, Vagabond or Begger, or other person which shall be forced or like to live by Begging, within the Realm of *England* or of *Wales*, to the value of the same forfeiture.

Vagabond.

CCCLIX. 14 *Eliz.* 5. § 31. N. 4. And on the pain of the same Vagabonds, Rogues and Beggers so set on Land to be punished, as the other Vagabonds and sturdy Beggers, in this Act before mentioned, and declared.

Ireland.

CCCLX. 14 *Eliz.* 5. § 32. N. 1. And be it likewise Enacted, if any such Maniske or Irish Rogue, Vagabond or Begger, been already, or shall at any time hereafter be set on Land in any part of *England* or of *Wales*, the same shall be conveyed to the next Port, in or near which they were Landed, and from thence be transported at the Common charge of the County, where they were set on Land into those parts from whence they came or were transported.

CCCLXI.

CCCLXI. 14 *Eliz.* 5. § 33. N. 1. Also be it provided, that if any manner of person shall hereafter find him or her self grieved with any Taxation set upon them, by vertue of this Act, it shall be lawful for them at the next General Sessions of the Peace, to be holden within the same Shire where their Taxation shall be, to make complaint thereof to the Justices of the Bench, and to be eased of their excessive charge, by the discretion of the whole Bench, or the most part of them. *Taxes.*

CCCLXII. 14 *Eliz.* 5. § 33. N. 2. And if any default shall be hereafter found in any Justices of the Peace, or *Quorum*, in or about the Execution of this Act, every of the said Justices, upon proof of the said default, by two sufficient Witnesses, before the Justices of Assize, at the next General Sessions of Goal delivery for the same County, after the same default, shall forfeit and lose 5 *l.* &c. The one half whereof to be to the use of the said Poor people of the same County, and the other half to the Queens Majesty, which said forfeiture shall be levied by distress, by discretion of the said Justices of Assizes. *Justices.*

CCCLXIII. 14 *Eliz.* 5. § 34. N. 1. And whereas a great number of Poor and diseased people, do resort to the City of *Bath*, in the County of *Somerset*, and the Town of *Buckstone*, in the County of *Derby*, for some ease and relief of their diseases at the Baths there, and by means thereof, the Inhabitants of the same City of *Bath*, and Town of *Buckstone*, are greatly overcharged with the same Poor people to their intolerable charge. *Passport.*

CCCLXIV. Be it Enacted, &c. that no diseased or Impotent Poor person, living on Alms, at any time after the Feast of Saint *Bartholomew* the Apostle next coming, shall resort or repair from their dwelling places, to the said City of *Bath*, and Town of *Buckstone*, or either of them, to the Baths there, for ease of their grief, unless such person be not only Licenced so to do, by two Justices of the Peace of the County, where such person doth or shall then dwell or remain, but also provided for of the Inhabitants of such Hundred, Parishes or places, from whence they shall be so Licenced to travail, of such relief for and towards his maintenance, as shall be necessary for the same person for the time of such his abode at the said City of *Bath*, and Town of *Buckstone*, or either of them, and return home again as shall be limited by the same Licence, upon pain to be reputed, punished and used, as Vagabonds by the purview of this Statute, and that the Inhabitants of the same City and Town, shall not in any wise be charged by this Act with the finding or relief of any such Poor people. *Licence.*

CCCLXV. 14 *Eliz.* 5. § 35. N. 1. And for the better performance of this Charitable Act, it is ordained and established that whereas the late King of Famous Memory, King *Henry* the Eighth, his Heirs, or Successors, or any other person or persons, heretofore by his or their several and lawful Erections, and foundations hath or have ordained or appointed any summe or summs of mony, rents, reliefs or Commodity, to the use of the Poor, or for the repairing or mending of High-ways or Bridges, not being taken away otherwise by Act of Parliament, whether the same be in any Cathedral Church, Colledge, or elsewhere. *Hospital.*

CCCLXVI. 14 *Eliz.* 5. § 35. N. 2. That the Bishop of the Diocess, or his Chancellor, within which the said Cathedral Church, Colledge or place is, And the Justices of Peace, of the County within the which the said Cathedral Church, Colledge, or place is, or three of them, whereof one to be of the *Quorum*, shall have Authority from time to time, to examine how and after what manner the said Mony, Rent, Relief, or Commodity is bestowed, and to call to account the parties which do detain the said mony, rents or relief, and thereupon to take such order for the distribution of the same, as to their discretions shall seem most fit and agreeable to the good intent of the Founders, Givers or *Justices.*



Granters, and thereof to make Certificate in the High-Court of Chancery, once in every year. *Lambert* 361.

*Imprisonment*

CCCLXVII. 14 *Eliz.* 5. § 36. N. 1. Provided always that whereas, by reason of this Act, the common Goals of every Shire within this Realm, are likely to be greatly pestered with a more number of Prisoners, than heretofore hath been, for that the said Vagabonds, and other lewd persons before recited, shall upon their apprehension be committed to the common Goal of the same Shire, where they are so taken and apprehended, and that in the most Shires of this Realm, the Common-Goals are in such Towns where there be a great number of Poor people, more than they are well able to sustain with their relief, and in some Shires the Affizes are kept far distant from the place where the Common-Goals are, by reason whereof the said Prisoners are like to famish, for want of sustenance, if they be not therefore provided.

*Sessions.*

CCCLXVIII. 14 *Eliz.* 5. § 37. (2.) N. 1. For remedy whereof, be it therefore Enacted, &c. that it shall and may be lawful for the Justices of Peace, of every Shire within this Realm, at their General Quarter-Sessions of the Peace, to be holden within the same Shires, or the most part of the said Justices being then present to Rate and Tax every Parish within the said Shires at such reasonable summs of money, for and towards the relief of the said Prisoners, as they shall think convenient by their discretions, so that the said Taxation and rate doth not exceed above 6 *d.* or 8 *d.* by the week out of every Parish.

*Church-wardens.*

CCCLXIX. 14 *Eliz.* 5. § 37. (2.) N. 2. And that the Church-wardens of every Parish within this Realm, for the time being, shall every Sunday levy the same, and once every Quarter in the year, pay to the High-Constables or Head-Officers, of every Town, Parish, Hundred, Riding or Wapentake within this Realm, all such summs of money as their Parish shall be rated and taxed, for and towards the relief of their said Prisoners within their said several Parishes, *Lambert*, 467. 468.

*Constable.*

CCCLXX. 14 *Eliz.* 5. § 37. (2.) N. 3. And that the said High-Constables, and Head-Officers and every of them, shall pay all such summs of money, so to them paid by the said Church-wardens, at every General Quarter Sessions, to be holden within the said several Shires, to such sufficient persons dwelling nigh the said Goals, as shall be appointed by the said Justices in their said open Quarter Sessions, to be there ready to receive the said money so Collected as is aforesaid.

*Imprisonment*

CCCLXXI. 14 *Eliz.* 5. § 37. (2.) N. 4. And that the Collectors for the said Prisoners, shall weekly distribute and pay all such summs of money as they and every of them shall receive, for the relief of the said Prisoners as aforesaid.

*Church-wardens.*

CCCLXXII. 14 *Eliz.* 5. § 37. (2.) N. 5. Upon pain as well the said Church-wardens of every Parish, Constables, and Head-Officers of every Hundred, or Wapentake, as also the said Collectors, appointed for the Collection, and contribution of the said Prisoners so making default, as is aforesaid, to forfeit, 5 *l.* the one moiety thereof shall be to the use of the Queens Majesty her Heirs and Successors, and the other moiety to the relief of the Prisoners, any Statute, law, custom, use or other thing, to the contrary in any wise notwithstanding.

*Corporation.*

CCCLXXIII. 14 *Eliz.* 5. § 38. (3.) N. 1. Provided always that the Justices of Peace within any County of this Realm, or *Wales* shall not intromit or enter into any City, Borough, Place or Town-Corporate, for the Execution of any Branch, Article or Sentence of this Act, for or concerning any offence, matter or cause growing or arising within the Precincts Liberties, or Jurisdictions of such City, Borough, Place or Town-Corporate,

Corporate, but that it shall and may be lawful to the Justice and Justices of the Peace, Mayor, Bailiffs, and other Head-Officers, of those Cities, Boroughs, Places and Towns-Corporate, where there be Justice or Justices, to proceed to the Execution of this Act, within the precinct and compass of their Liberties, in such manner and form, as the Justices of Peace, in any County, may or ought to do within the same County, by vertue of this Act, any matter or thing in this Act expressed to the Contrary thereof notwithstanding.

CCCLXXIV. 14 *Eliz.* 5. § 39. (4.) N. 1. And that every Justice *Justices.* and Justices of Peace, within every such City, Borough, Place and Town-Corporate, for every offence by them or any of them, to be committed contrary to the intent and meaning of this Statute, shall be punishable and chargeable, as other Justices of Peace, at large in the Counties are by this Act above appointed to be.

CCCLXXV. 14 *Eliz.* 5. § 40. N. 1. Provided always and be it further *Corporation.* Enacted, &c. that if it shall chance any City, or Town Corporate, to have in it more Poor folks, than the Inhabitants thereof shall be able to relieve, that in such case upon Certificate thereof made, and of the number and names of persons, with which they be so surcharged, unto the Justices of Peace of the County, in which such City or Town-Corporate, shall lie and be Situate, at their Quarter Sessions of the Peace, by two Justices of Peace of the said County, and the Mayor, or other Head-Officer of the same City, or Town-Corporate, the Justices may by their discretions in the same Sessions take, order, appoint and cause the same Poor folks so Certified, to be provided for and be relieved by giving of Licence to beg or otherwise, in some other place or places of the said County out of such City or Town-Corporate, so surcharged.

CCCLXXVI. 14 *Eliz.* 5. § 41. N. 1. Provided always that this Act or *Hospitals.* any thing therein contained, shall not extend to the Poor people, for the time being, in the Hospital called Saint *Thomas* Hospital, otherwise called the Kings Hospital, in the Borough of *Southwark*, near adjoyning to the City of *London*, but that the Mayor, Commonalty and Citizens of the said City of *London* for the time being, shall and may only have the rule, order and Government of the said Hospital and of the Poor people therein for the time being, any thing in this Act to the contrary notwithstanding.

CCCLXXVII. 14 *Eliz.* 5. § 42. N. 1. Provided alway that this Act or *Games.* any thing therein contained, or any Authority thereby given, shall not in any wise extend to disinheret, prejudice or hinder *John Dutton* of *Dutton* in the County of *Chester* Esq; his Heirs or Assigns, for, touching or concerning any Liberty, Priviledge, Preheminance, Authority, Jurisdiction or Inheritance, which the said *John Dutton*, now lawfully useth, or hath or lawfully may or ought to use, within the County Palatine of *Chester*, and the County of the City of *Chester*, or either of them, by reason of any Ancient Charters of any Kings of this Land, or by reason of any prescription or other lawful usage or title whatsoever.

CCCLXXVIII. 14 *Eliz.* 5. § 43. N. 1. This Act to indure for seven *Continuance.* years, and fromthence to the end of the next Parliament, then next following, 18 *Eliz.* 3. § 14. N. 1. *Crompt.* 97. b.

CCCLXXIX. *Crompt.* 154. b. Nor shall Bail be received for the Mo- *Bail.* ther, nor reputed Father of any Bastard-Child, who refuseth to perform the order of the Justices, according to the Statute 18 *Eliz.* 3. § N.

CCCLXXX. *Crompt.* 154. b. Nor shall he be Bailed who is Collector for *Account.* the Poor, who refuseth to account, &c. 14 *Eliz.* 5. § N.

CCCLXXXI. *Crompt.* 155. Nor shall Bail be received for the Collectors nor Governors of Poor, nor for Guardians nor Collectors for the Houses of

- of Correction who refuse to make account contrary to 18 *Eliz.* 3. § N.
- Pain.* CCCLXXXII. *Lambert* 2. cap. 7. pag. 202. Any Justice of the Peace, may appoint any person to be openly whipped naked, until his or her body be bloody, that shall be taken begging wandering or misordering him or her self, as is declared by the Statutes, 39 *Eliz.* 4. § N. and 1 *Jac.* 7. § N. to be a Rogue Vagabond or sturdy Begger &c.
- Settlement.* CCCLXXXIII. *Lambert* 202. 203. And shall cause such person so whipped, to be forthwith sent from Parish to Parish, by the Officers of every the same the next strait way to the Parish, where such person was born, if that may be known by the parties confession or otherwise, and if not, then to the Parish where such person last dwelt, before that punishment by the space of one whole year, there to labor, or not being known where such person was born or so dwelt, then to the Parish through the which such person last passed without such punishment, 1 *Jac.* 7. *Dalt.* 128. cap. 47.
- Passport.* CCCLXXXIV. *Lambert* 203. And such Justice under his hand and Seal shall make a Testimonial, witnessing such punishment, and the day and place thereof, and mentioning the place to which such person is limited to go, and by what time, at his or her peril, and in case such place of Birth, or last dwelling be not known, then such person shall by the Officer of the Village, through which he or she last passed without punishment, be conveyed to the House of Correction, of the limit wherein that Village is, or to the common Goal of that place or County, there to remain in work till such person be placed in service for one years continuance, (or not being of able body) till such person shall be placed in some Alms-House of that place or County, 39 *Eliz.* 4. *Dalt.* 126. cap. 47.
- Certificate.* CCCLXXXV. *Lambert* 204. The form of which Testimonial may in effect be the same which was lately in use by the Statute, 22 *H.* 8. 12. § 14. N. 1. *Dalt.* 380. 381. cap. 124. 212. now repealed, viz. *Kilborns* predicts 212. *Kent.* ff. *John* at *Stile*, a sturdy Vagrant Begger, of low personage, red haired, and having the Nale of his right thumb cloven, was (the sixth day of April, in the second year of the Raign of our Sovereign Lord King *James*) openly whipped at *Dale* in the said County, for a wandering Rogue, according to the Law, and is Assigned to pass forthwith from Parish to Parish by the Officers thereof, the next strait way to *Sal*, in the County of *Middlesex*, where (as he confesseth) he was born, or dwelled last by one whole year, &c. If the case be such, and he is limited to be at *Sal* afore-said within ten days now next Ensuing at his peril.
- Passport.* CCCLXXXVI. *Lambert* 204. 205. By the the occasion of this Testimonial or Pass, I thought it serviceable to advertise that it is needful both in this and in all other testimonial Certificates safe Conducts and Passports whatsoever, to annote and specify expressly some assured marks of the party, as his Stature, colour of hair, complexion, or if it may be, some apparent scar or other note, by which he may be infallibly distinguished and known from others, lest as I have often found both himself take the benefit thereof, and he also communicate the use of the same to others in abuse of him that made it
- Justices.* CCCLXXXVII. *Lambert* 205. And by occasion also of this power given to one Justice for correction of Rogues, I trust that I may without offence to any, make publick use of those grave resolutions and advices, that being in the hands of sundry men abroad, are commonly ascribed to his Majesties Justices at *Westminster*, and do tend much to the right Execution of this 1. *Jac.* 7. and the other Statute, 39 *Eliz.* 4. concerning Rogues and the Poor, which only of all our Laws have most Christianly and civilly given order in that behalf, and are therefore with so much the more care



care and diligence to be put in ure amongst us, as they will not only deliver us of the present burthen, but also destroy the very brood of this unruly people, *Dalt. 96. cap. 40.*

CCCLXXXVIII. *Lambert 205. § 1.* A Rogue affirmeth that he was *Lieu.* born in such a Town, in such a County, then ought he to be sent thither if it may not otherways appear that he was born elsewhere, and if he were not born there in truth, then is he to be said an Incorrigible Rogue and is to be sent thence to the House of Correction, in the County to which he is sent, and if there be none there, then to Goal, until the next Sessions, there to be dealt with according to the Statute, *Dal. 128. cap. 47.*

CCCLXXXIX. *Lambert 206. § 2.* The same course is to be observed if *Lieu.* it appear not where he was born, or if he untruly affirm that he was last dwelling in such a Town, in such a County, by the space of a year and was not.

CCCXC. *Lambert 206. § 3.* If the Husband or Wife have a House, and *Bar. & Fem.* the Husband or Wife Rogue about, they ought to be sent to the Town where that House is, and so of an inmate, *Dalt. 125. cap. 47.*

CCCXCI. *Lambert 206. § 4.* The Wife and Children under seven *Bar. & Fem.* years of age, being Vagrant, must go and be placed with the Husband, if the Husband be dead, then with the Wife, where she was born or dwelt, and the Vagrant Children above seven years of age must be sent to the place of their birth, and if the Vagrant Parents with their Children, under seven years be placed at the place of birth of the Parents, or at the place of last dwelling, as the case shall fall out, if afterwards the Parents or either of them die or runn away, yet the Children once settled must remain there still, and may not be sent to their place of birth, tho after they grow above the age of seven years, *Dalt. 96. 97. cap. 40.*

CCCXCII. *Lambert 206. § 5.* The Wife being a Vagrant Rogue, *Bar. & Fem.* ought to be sent to the Husband, tho he be but a Servant in another Town, *Dalt. 98. cap. 40. & 125. cap. 47.*

CCCXCIII. *Lambert 206. 207.* The Rogue, whose place of birth or *Bar. & Fem.* dwelling cannot be known, hath Wife and Children under seven years of age, they must go with the Husband to the place where they were last wilfully suffered to pass without punishment, where the Children must be relieved by the work of their Parents, tho the Parents be committed to the House of Correction.

CCCXCIV. *Lambert 207. § 7.* If any not being Rogues shall travail *Infant.* with their Children, through a Town, and the Father or Mother die or runn away, the Town is not bound to keep them where they die, nor to send them away, but only in Charity, except they become wandring Beggars, *Dalt. 96. cap. 40. & 2. Bulstrode. 333. (351.) pl. 247.*

CCCXCV. *Lambert 207. § 8.* If the Parents be able to work, and may *Trades.* have work, they are to find their Children by their labour and not the Parish, but if they be overburthened with Children, it shall be a very good way to procure some of them to be placed Apprentices according to the Statute, *Dalt. 96. cap. 40. & 2 Bulstrode 332. (350.) pl. 246.*

CCCXCVI. *Lambert 207. § 9.* No man is to be put out of the Town *Vagrant.* where he dwellth, nor to be sent to their place of birth, or last habitation, but a Vagrant Rogue, nor to be found by the Town, except the party be impotent, but ought to set themselves to labor if they be able and can get work, if they cannot, the Overseers must set them to labor, and so of them that have or shall have Houses, when their Estates be expired, and Servants whose times of service are ended, tho they cannot get Houses, for they must provide themselves Houses anew, if they be not impotent, *Dalt. 97. cap. 40.*

CCCXCVII.

- Fees.* CCCXCVII. *Lambert* 207. 208. Such persons as be of any Parish, and have able bodies to work, and be no wanderers abroad out of the Parish, tho they refuse to work at such wages as is taxed or commonly Given in those parts, are notwithstanding not to be sent to their place of birth or last dwelling, by the space of a year, but to the House of Correction, upon consideration had of both the Statutes of the Poor and Rogues, (*viz.* 39 *Eliz.* 4. § N. and 1 *Jac.* 7. § N. ) But if they have any lawful means to live by, tho they be of able bodies, and refuse to work, yet are they not to be sent to the House of Correction, *Dalt.* 97. *cap.* 40.
- Lieu.* CCCXCVIII. *Lambert* 208. § 11. Such as will remove or put any out of their Parish, that be not to be put out, this is against the Statute, (*viz.* 39 *Eliz.* 4. § N. ) and finable, and if they have been so sent, they may be sent back again, *Dalt.* 98. *cap.* 40.
- Lieu.* CCCXCIX. *Lambert* 208. § 12. If any be sent to a Town, whereto he ought to be sent, and is refused, being a sturdy or an Impotent Rogue, the persons refusing shall forfeit 5 *l.* and he that is so to be sent, is to be offered to the Church-wardens, and Overseers, *Dalt.* 129. *cap.* 47.
- Pasport.* CCCC. *Lambert* 208. § 13. To send the Rogues by a general Pasport, without conveying them from Parish to Parish, is a let to the conveying of Rogues, according to the Statute, (*viz.* 39 *Eliz.* 4. § N. ) and so a forfeit of 5 *l.* upon them, and to go with such a Pasport, is but still to continue a Rogue to be punished by whipping, *Dalt.* 128. *cap.* 47.
- Officer.* CCCC. *Lambert* 209. § 14. If the Officer will not receive a Rogue to convey him to the place where he was born or dwelt, this is a forfeiture of 5 *l.* in the Officer that shall not receive the party to convey him or her over, *Dalt.* 128. *cap.* 47. § 2.
- Begging.* CCCCII. *Lambert* 209. § 15. None may be suffered to take relief at any mans door, tho within the same Parish, unless it be by the order of the Overseers, according to the Statute (*viz.* 39 *Eliz.* 4. *Dalt.* 124. *cap.* 47. neither may any be suffered to beg by the high-ways, tho in their own Parish, *Dalt.* 97. *cap.* 40.
- Parents.* CCCCIII. *Lambert* 209. § 16. By this word Parents is understood a Father, or a Grand-Father, Mother, or Grand-Mother, being persons able, *Dalt.* 96. *cap.* 40. *Lambert* 602.
- Child.* CCCCIV. *Lambert* 209. § 17. Within the word Children, is concluded any Child or Grand-Child being able, 10 *H.* 7. 11. a
- Parson.* CCCCIV. *Lambert* 209. § 18. Parsons or Vicars, &c. be bound as Inhabitants to the relief of the Poor, as well as others, that inhabit within the Parish.
- Estates.* CCCCVI. *Lambert* 209. § 19. Every one that hath Tyths Improprate, Coal-Mine, or Lands in Manual occupation, &c. is chargeable, and so for such as have saleable Wood, proportioning the same to an Annual benefit.
- Church-wardens.* CCCCVII. *Lambert* 209. § 20. If there be but one Church-warden in the Parish he sufficeth with the other four Overseers, *Dalt.* 96. *cap.* 40.
- Taxes.* CCCCVIII. *Lambert* 2. *cap.* 7. *pag.* 292. 293. The Assesse made at the *Easter* Sessions of the Peace, upon every Parish in the County, shall yearly in default of the Parishioners, and in default of the Church-wardens and Constables there, be rated by order of such Justice of Peace, as shall dwell in that Parish, or if none so be dwelling, in the parts next adjoining, and in default of the said Church-wardens and Constables, any Justice of the Peace within the limit, may levy the same by distress and sale of Goods, of any person refusing or neglecting to pay his portion thereof, and shall render to the party the overplus of such sale, and in default of such distress, any Justice of that limit, may commit to Prison such

such person without Bail till he pay the same, 43 Eliz. 2. *Kilborn.*  
179. 180.

CCCCIX. *Lambert* 293. The like order is taken concerning the assesse *Taxes.*  
made for Souldiers or Mariners, 43 Eliz. 3.

CCCCX. *Lambert* 293. And any one of these two Justices of Peace *Justices,*  
which by this Statute, 43 Eliz. 2. § N. may appoint Overseers for  
the Poor, may also send to the House of Correction, such as will not im-  
ploy themselves in work according to this Statute.

CCCCXI. *Lambert* 3. cap. 2. pag. 356. Two or more Justices of the *Overseers.*  
Peace, whereof one to be of the *Quorum*, dwelling in or near the Parish  
or division, where the Parish is, must nominate yearly in *Easter* week,  
or within one month after *Easter*, under their hands and Seals, four, three  
or two substantial Housholders, in every Parish, to be Overseers of the  
Poor of the same Parish, and the Church-wardens and Overseers of every  
Parish, shall with the consent of two or more such Justices of Peace, set  
the Poor on work, and Tax every Inhabitant and occupier of Land  
there, towards the same, and to bind Children Apprentices, and the ex-  
cuse of the Church-wardens and Overseers, for not Executing their Of-  
fice is to be allowed by two such Justices of Peace, and such two Justices  
of Peace are to take their accounts yearly, and to commit them that re-  
fuse to account, 43 Eliz. 2.

CCCCXII. *Lambert* 356. 357. And two such Justices of Peace may Tax *Taxes.*  
any other of other Parishes within the Hundred, to contribute to a Poor  
Parish, and may make out their Warrants to the Church-wardens and O-  
verseers of every Parish, to levy the Taxtions by distress and Sale of the  
Offenders Goods, and in defect of distress may commit the party refus-  
ing to contribute, to the Common-Goal, without Bail or Mainprise, and they  
may do the like, concerning penalties and forfeitures committed, 43 Eliz.  
2. § N. *Lambert* 601. 602. *Dalt.* 95. cap. 40.

CCCCXIII. *Lambert* 357. Any two Justices of Peace, of any City, *Plague.*  
Borough, Town-Corporate and places priviledged, may assesse the Inha-  
bitants thereof, at such reasonable Taxes as they shall think fit for relief  
of persons infected with the Plague, and dwelling in Houses infected, to  
be levied by Warrant of two such Justices of Peace, of his Goods that  
refuseth to pay the same, and in default of Goods the offender by them  
may be committed to prison without Bail or Mainprise, 1 Jac. 31. *Dalt.*  
90. cap. 39. & 96. cap. 40.

CCCCXIV. *Lambert* 357. 358. Upon Certificate of the Mayor, or o- *Certificate.*  
ther Head-Officers of any City, &c. of their disability to relieve their  
Poor infected persons, to any two Justices of the Peace of the County near  
to the said City, &c. the same Justices may Tax the Inhabitants of the  
same County, within five Miles of the place infected, for their relief, to  
be levied by Warrant from any such two Justices of the Peace by dis-  
tress and sale of Goods, and in default thereof by Imprisonment of the  
party Taxed and refusing as afore, 1 Jac. 31. *Dalt.* 90. cap. 39.

CCCCXV. *Lambert* 361. The Bishop and his Chancellor, and three *Ordinary.*  
such Justices of the Peace, have power to Examine how mony or other  
relief appointed by King H. 8. or any other to the use of the Poor or of  
amending of High-ways or Bridges is bestowed, and to call to account the  
detainers thereof, &c. 14 Eliz. 5. § 35. N. 1. and 39 Eliz. 18. § N.  
*Lambert* 352.

CCCCXVI. *Lambert* 367. If any Justice of Peace, shall be proved to *Justices.*  
be in default about the Execution of the act of the Poor, (*viz.* 14. Eliz. 5.  
§ N. ) by two sufficient witnesses before the Justices of Assize at their  
next general Goal-delivery, he shall lose 5 l.

Hhhh

CCCCXVII.



Imprisonment

CCCCXVII. *Lambert* 467. 468. Enquiry in Sessions, if the Churchwardens of any Parish, have not every Sunday levied the Mony for relief of the Prisoners of the Goal, and once in every Quarter paid it to the Constable of the Hundred, or if the Constable have not every Quarter Sessions, paid over the same to the Collector thereto appointed, or if such Collector have not weekly distributed the same for relief of the said Prisoners 14 *Eliz.* 5. § 37. (2.) N. 2.

Cottages.

CCCCXVIII. *Lambert* 468. (Charge in Sessions on 31 *Eliz.* 7.) If any person hath since the end of the last Session of Parliament, made, builded or erected, or caused to be made, &c. any manner of Cottage for dwelling, or converted or ordained any building or Housing to be used as a Cottage for dwelling, unless the same person have laid thereunto four Acres at the least, of ground to be accounted by ordinance, (*viz.* 33 *Ed.* 1. pag. 70.) *de terris mensurandis*, being his or her own freehold and inheritance, lying near to the said Cottage, to be continually manured there withal, so long as that Cottage shall be inhabited, *Crompt* 90. b. 91. a.

2. If any person have willingly maintained or upholden such Cottage, not having so many Acres so lying and manured.

3. If there be any Inmates or more Householders than one dwelling in one Cottage by the placing or suffering of any owner or occupier of such Cottage.

Cottages.

CCCCXIX. *Lambert* 468. 469. But this Statute (*viz.* 31 *Eliz.* 7.) extendeth not to any Cottage in any City, Corporate or Market-Town, or Ancient Borough.

2. Nor to the dwelling of any workers of Mineral works, Coal-Mines Quarries of Stone or Slate, or about the making of Brick, Tile, Lime or, Coal, so that they be not distant above one Mile from the works, and be used only for the Habitation of such workers.

3. Nor to Cottages within a Mile of the Sea, or upon the side of any Navigable Rivers within the Admirals Jurisdiction, so as none dwell therein but Saylor, or men of manual occupation for the making, furnishing or Victualling of Ships or Vessels used to serve on the Sea.

4. Nor to any Cottage in any Forest, Chace, Warren or Park, inhabited only by them that keep the Deer or Game there.

5. Nor to any Cottage hereafter to be made, wherein only a common Herd-man, or common Shepherd of any Town, or any Poor, Lame, Sick, Aged or Impotent person shall dwell.

6. Nor which for any just respect (upon complaint to the Justices of Assize, at the Assizes, or to the Justices of Peace, at the Quarter Sessions,) shall by their order entred in open Assizes or Quarter Sessions be decreed to continue for dwelling, for so long time, only as by such decree shall be limited.

7. Nor extended to any Inmates to be placed by the order of the Justices in their Quarter Sessions, with the leave of the Lord of any waste or common, at the charge of the Parish, Hundred or County, 43 *Eliz.* 2.

Sessions.

CCCCXX. *Lambert* 596. and 14 *Eliz.* 5. and 18 *Eliz.* 3. Concerning Poor people and Vagabonds, have mention of the Quarter-Sessions, to be holden next after *Easter*, which Statutes as they make not in this point a new Law, so allowing of any one of the four Sessions, they do therein give allowance of all the other three.

Infant.

CCCCXXI. *Lambert* 604. A Beggars Child, may at the General Sessions be bound to serve any Subject of this Realm, being of an honest calling, 14 *Eliz.* 5. § N. 18 *Eliz.* 3. § N.

Cottages.

CCCCXXII. *Lambert* 604. A Decree may be made at the Quarter-Sessions for the continuance of a Cottage, that hath not four Acres of ground and

and there may the Justices enquire, hear and determine of Cottages and Inmates in offence of the Statute, 31 Eliz. 7.

CCCCXXIII. *Lambert* 609. And they must yearly in the same Sessions *Sessions.* (*viz.* after *Easter*, or in six weeks, &c.) Examine the performance or non-performance, of so much of the Statute made for the Poor, 14 Eliz. 5. as is not altered by 43 Eliz. 2.

CCCCXXIV. *Lambert* 609. The account of the Treasurers for disabled Souldiers or Mariners, is to be made yearly at the Quarter Sessions after *Easter*, or within ten days after, 43 Eliz. 3. *Account.*

CCCCXXV. *Lambert* 29. Duty of Constables, &c. It seemeth to me *Constable.* that in this case (*viz.* on 14 Eliz. 5. § 37. (2.) N. 2.) the words High-Constable, High-Tythingmen, and Head-Officers, do exclude petty Constables, Borsholders, and such like to meddle therein, because none are called High or Head, but in comparison of low and bale.

CCCCXXVI. *Lambert* 49. Duty of Constables, &c. all these things *Officer.* &c. (*viz.* the resolutions mentioned, *Lambert* 205. *supra.* 387. which as it is commonly said were given by the Queens Justices at *Westminster*, soon after the making of the said Statutes, (*viz.* 39 Eliz. 4. and 1 Jac. 7.) do pertain as well to the charge of a Tything-man, Borsholder, Headborough, Chief-pledge, or such other inferior Officer, as they do to the Constable of such a Town or Parish, that hath any of those other Officers underneath him, but some other points of charge there be that belong to such a Constable only and not to any of them.

CCCCXXVII. *Crompt.* 7. b. § 17. *Nota* that there is a Statute made, *Apprentice.* 5 Eliz. 4. Concerning Workmen, Artificers, Laborers, Apprentices and Servants, and another Statute, made 14 Eliz. 5. Concerning Vagabonds, whereof the Justices have power by the said Statutes to enquire, and to punish them according to the form of the said Statutes, whereby all other Statutes concerning them are of little effect at this day, if it be not in certain special points.

CCCCXXVIII. *Crompt.* 53. If any infected person with the Plague, *Plague.* being commanded to keep his House, contrary to that command, voluntarily and contemptuously goes abroad, and shall converse in Company, having any infectious sore on him uncured, such person shall be adjudged as a Felon, and shall suffer as a Felon, 1 Jac. 31. § N. And if he hath no such sore, he shall be punished as a Vagabond, according to 39 Eliz. 4. § N. *Lambert* 437. *Dalt.* 90. cap. 39.

CCCCXXIX. *Crompt.* 53. If any be commanded to keep his House, *Plague.* who is infected, or be in a House infected with the Plague, and will not keep his House, but voluntarily and contemptuously disobey such direction and appointment, offering or attempting to go abroad, and resists the Keepers and Watchmen, who shall be appointed to keep them in their houses, such Keepers and Watchmen may force them to keep their Houses, and if any hurt comes by such inforcement, to any such disobedient person, the said Keepers or Watchmen, shall not be impeached therefore, 1 Jac. 31. *Dalt.* 90. cap. 39.

CCCCXXX. *Crompt.* 59. b. § 33. Its extortion in the Clerke of the Peace, who takes above 12 d. for a Recognizance, taken of him that takes a Rogue in service for a year, by 14 Eliz. 5. § N. *Fees.*

CCCCXXXI. *Crompt.* 86. b. Item, Sessions to enquire of Women that *Bastardy.* have Children born out of Matrimony, and of the reputed Father of such Child, they shall be punished by the discretion of the Justices of the Peace 18 Eliz. 3.

CCCCXXXII. *Crompt.* 86. b. See by a Clause in 14 Eliz. 5. § 22. N. 1. *Apprentice.* The Statute is how that Infants of Beggars, shall be taken to be Apprentices by order of the Justices of Peace at the Sessions, and how the party

- who took him in service, shall have remedy against the Infant, who departs, or such who took or inticed him out of the service of him, to whom he shall be committed as Apprentice by the said Justices.
- Imprisonment* CCCCXXXIII. *Crompt.* 195. b. § 19. One Justice of Peace may commit to prison, Rogues, Vagabonds and sturdy Beggars, being above the age of fourteen years, there to remain until the next Sessions or Goal-delivery which first cometh, 14 *Eliz.* 5.
- Recognizance* CCCCXXXIV. *Crompt.* 196. b. § 15. A Justice of Peace in Sessions, may take a Recognizance of him that takes a Rogue into service to appear at the same Sessions, a year next after, 14 *Eliz.* 5.
- Licence.* CCCCXXXV. *Crompt.* 198. Any two Justices of Peace, may Licence such who shall be delivered out of Goals, to Beg for their fees, or to travail to their Countries or Friends, and may give Licence for 40 days to a Rogue that is marked, and may make a Testimonial to a Servingman, who turned away from his Master, or whose Master is dead, 14 *Eliz.* 5. § N. and 18 *Eliz.* 3.
- Justices.* CCCCXXXVI. *Crompt.* 198. Two Justices of Peace may certifie to the Quarter Sessions, that a City or Ville-Corporate of the County, being no County of it self, is surcharged with Poor, together with the names and number of them, to the intent that order may be taken for their relief there, 14 *Eliz.* 5.
- Licence.* CCCCXXXVII. *Crompt.* 198. a. b. And they may Licence diseased persons, living of Alms, to travaile to Bath, or Buckstone, for ease of their grief, 14 *Eliz.* 5. *Lambert* 331.
- Games.* CCCCXXXVIII. *Crompt.* 199. b. Two such Justices of Peace, may give Licence to Fencers, Bearwards, Common-players in Interludes, Minstrels, Inglers, Pedlers, Tinkers and pety Chapmen to go, so that they shall not be taken as Rogues, 14 *Eliz.* 5. § 5. N. 5. 39 *Eliz.* 4. *Infrà* 451. N. 5.
- Constable.* CCCCXXXIX. *Crompt.* 199. b. 200. a. Suit may be commenced against a High-Constable, in the name of two next Justices of the Peace, if it be out of a City, and Ville-Corporate, for not suing a negligent Collector of Mony for the Poor, within the time limit by the Statute, and they every half year, shall take an account of such Collector, and may take order with the surpluse of such Collection, and may also commit him to Ward for his refusal to account, or to bring in his surpluse against the Statute, 14 *Eliz.* 5. § N. and 39 *Eliz.* 4.
- Imprisonment* CCCCXL. *Crompt.* 200. Two Justices of Peace, whereof one shall be of the *Quorum*, may imprison such as refuse to give to the relief of the Poor or who discourage others to give.
- And the Bishop or his Chancellor, shall call two Justices of the Peace, next Inhabiting, to any Hospital, to assist them in the taking of the Account of such, as have had the Collection of the Revenues and profits of such Hospital, and they three may charge the Accountant (under the penalty of losing such summ of Mony as they think meet,) to account and not to delay it, and presently to imploy the surpluse to the use of the Hospital, 14 *Eliz.* 5. § N. see 39 *Eliz.* 4. § N. and 1 *Jac.* 7.
- Goodbehavior* CCCCXLI. *Lambert* 118. Likewise 39 *Eliz.* 4. § N. which tyeth to the Goodbehavior, all such as disturbe the Execution of that Statute, either for the punishment of Rogues, or for the relief or setting on work of the Poor, &c. It seemeth that all these Statutes have this one meaning, that a party so bound may afterwards forfeit his Recognizance, if he Etsfoons offend against the said Statutes.
- Licence.* CCCCXLII. *Lambert* 302. The Justice of, or near the place where the Seafaring man suffering Shipwrack, and not having to relieve himself homewards, doth Land, may give him a Testimonial under his hand, containing the



the time and place of his Landing, with the place of his birth or dwelling to which he is to pass, and with a convenient time for his passage thither, by which he may accordingly pass, in the usual and direct ways thither, and ask and take relief, 39 *Eliz.* 4. § 14. *N. 1.*

**CCCCXLIII. Lambert 302. 303.** The Justices of Peace in or near the place where any Idle or wandering Souldier or Mariner, coming from his Captain from the Seas, or from beyond, doth Land, ought upon request, to give him a Testimonial under his hand, expressing therein the time and place of such his Landing, with the place of his dwelling or birth, to which he is to pass, and with a convenient time therein limited, for his passage thither, and the Justice of Peace next adjoining to the place, or direct way where any Souldier or Mariner, coming from or beyond the Seas, Landeth or Travaieth, and maketh known his Poverty, may Licence him to pass the next and direct way to the place, whether he is to repair, and may limit him time necessary, only for his travail thither, which Licence if he pursue, he may ask and take without danger, for his necessary relief in such his travail that which any persons shall willingly give him, 39 *Eliz.* 17. *Passports.*

**CCCCXLIV. Lambert 330.** Any two Justices of Peace, may by Warrant, under their hands and Seals, cause to be levied (by distress and sale of the Goods of the offender all fines and forfeitures, that shall grow by the Confession of the offender, or by proof of two lawful and sufficient witnesses before them upon this Statute of Rogues, 39 *Eliz.* 4. *Forfeiture.*

**CCCCXLV. Lambert 354.** Any two Justices of Peace, have power to hear and determine all causes that shall grow in Question by the Statute of Rogues, 39 *Eliz.* 4. *Justices.*

**CCCCXLVI. Lambert 354.** Two Justices of Peace, of or near the place to which a Souldier or Mariner cometh with the Testimonial of one Justice of the Peace, shall take order by their discretion for setting to work or relieving of him, if he cannot of himself get work there, or imploy himself in lawful course of life, 39 *Eliz.* 4. *Laborers.*

**CCCCXLVII. Lambert 422.** If any strangers calling themselves *Aegyptians*, or being commonly called *Aegyptians*, have remained in the Realm one month, and if any person being fourteen years of Age which hath been seen or found in the Fellowship of such *Aegyptians*, or which doth disguise himself like to them, have remained here or in *Wales*, by the space of one Month, either at one time or at several times (to be enquired at Sessions) 1 & 2 *Ph. & Mar.* 4. and 5 *Eliz.* 20. & 39 *Eliz.* 3. *Aegyptians.*

**CCCCXLVIII. Lambert 422.** If any dangerous Rogue that was banished the Realm, or adjudged perpetually to the Gallies, have returned into the Realm, without lawful Licence (*viz.* enquire at Sessions) 39 *Eliz.* 4. *Exile.*

**CCCCXLIX. Lambert 422. 423.** Charge in Sessions, if any dangerous Rogue, after he hath been branded in the open Sessions, with a Roman R. upon the left Shoulder, and sent to the place of his dwelling, the place where he last dwelt, by the space of a year, or the place of his birth, to be placed in labor, have offended again in Begging or wandering, contrary to the Statute, 39 *Eliz.* 4. § *N.* or this Act 1 *Jac.* 7. *Lieu.*

**CCCCL. Lambert 423.** Charge in Sessions, if any Souldier or Marnier have wandred idle, without setting himself to service, labor, or other lawful course of life, and hath not repaired to his place of birth or dwelling, and had not a lawful Testimonial from a Justice of Peace, of or near the place where he landed, or hath counterfeited such Testimonial, or hath carryed the same, knowing it counterfeit 39 *Eliz.* 17. *Warr.*

**CCCCLI. Lambert 436. 437.** Charge in Sessions to inquire, if any person above the Age of seven years, calling himself a Scholar, hath gone *Infant.*

*Passport.*

gone about Begging, 12 *Rich.* 2. 7. § 1. *N.* 4.

2. Or if any Seafaring man not having suffered Shipwrack, nor having a Lawful testimonial, from a Justice of Peace of or neer the place where he Landed, have gone about begging, or have transgressed such testimonial.

*Games.*

3. Or if any idle person have gone about begging, or have used any subtle craft or unlawful game, or play, or have feigned knowledge in Physiognomy, Palmistry, or other like crafty science, or have pretended to tell destinies, fortunes, or suchlike fantastical imaginations.

4. Or have uttered himself to be a Proctor, Procurer, patent Gatherer or Collector for any Goal, Prison or Hospital.

5. Or if any Fencer, Bearward, Minstrel or Common-player of Enterludes, Ingler, Tinker, Pedler, Pety-chapman or Glassmen, have wandered abroad. *Suprà* 439.

6. Or if any wandering person or common laborer, not having otherwise than by labor to maintain himself, being able of body, have used loytering.

7. Or refused to work for lawful wages.

8. Or if any person delivered out of Goal, have begged for fees, or travelled begging, or pretending loss by fier or otherwise, have wandered begging.

9. Or if any not being a Felon have pretended to be an *Ægyptian*, or have wandered in the form or habit of counterfeit *Ægyptians*, 22 *H.* 8. 10. § 2. *N.* 1.

10. Or if any Impotent or diseased person Licenced by two Justices of Peace, to go to *Bath* or *Buxstone*, have not forbore to beg, or have not returned according to such Licence.

11. Or if any Poor person appointed to ask relief in the same Parish, by the Church-wardens and Overseers thereof, shall beg in any other sort than is so appointed, for all such be declared to be Rogues, Vagabonds and sturdy Beggars, 39 *Eliz.* 3. and 1 *Jac.* 7.

*Taxes.*

CCCCCLII. *Lambert* pag. 601. If the Parish and Hundred, be not able to relieve the Poor of the Parish therein, then the Justices of Peace, or the greater number of them, may at their General Quarter-Sessions rate any other Parishes, &c. thereunto, *Lambert* 356. 357. on 43 *Eliz.* 2. *Dalt.* 95. cap. 40.

*Plague.*

CCCCCLIII. *Lambert* 601. The Taxes for relief of the infected with the Plague, must be certified at the next Quarter-Sessions, and the same is to be enlarged, extended or determined, as to the Justices of Peace there, or the more part of them, shall be thought fit, 1 *Jac.* 31.

*Cottages.*

CCCCCLIV. *Lambert* 601. 602. And the General Quarter-Sessions may thereby agreement with any Lord of waft or common, set up Habitations for the Poor, and place inmates in the same, 39 *Eliz.* 3.

*Taxes.*

CCCCCLV. *Lambert* 602. And they may also at such General Quarter Sessions, assesse the Parents or Children, being of sufficient ability to relieve their Poor and Impotent Children and Parents, *Lambert* 209. And the Father, Grand-Father, Mother, Grand-Mother, and Child of the Poor, being of a sufficient ability, may there be Taxed towards the relief of said Poor, 43 *Eliz.* 2. § 6. *N.* 1.

*Sessions.*

CCCCCLVI. *Lambert* 602. the parties grieved by any Act done upon the Statute, 43 *Eliz.* 2. § *N.* are to be relieved by the Justices of Peace at their general Quarter-Sessions.

*Imprisonment*

CCCCCLVII. *Lambert* 602. The Justices of Peace or the more part of them, may at any Quarter-Session give order for the erecting of Houses of Correction, and for stocks of Mony, and all other things necessary for the

the same or for the Government thereof, and they may Banish or condemn to the Gallies such Rogues as shall appear to be dangerous, 39 *Eliz.* 4. § N. and may brand them in the left Shoulder, with a hot Burning Iron, with a great Roman R. thereon, 1 *Jac.* 7.

CCCCLVIII. *Lambert* 603. The Assignment and revocation of the *Sessions.* Pensions for disabled Souldiers and Mariners, must be made by the more part of the Justices of the Peace, at the Quarter Sessions, and they may theretofore fine upon the Treasurer, that shall willingly refuse to pay any of the same Pensions, 43 *Eliz.* 3. *Crompt.* 94.

CCCCCLIX. *Lambert* 369. If there be no nomination of Overseers of *Overseers.* the Poor, yearly according to the Statute, 43 *Eliz.* 2. § N. Every Justice of Peace dwelling within the division shall forfeit to the Poor, 5 l.

CCCCCLX. *Lambert* 558. Clergy is taken from the dangerous Rogue, *Clergy.* that after he hath been Branded with a Roman R. and placed in labor, shall be taken Begging again, 1 *Jac.* 7.

CCCCCLXI. *Crompt.* 97. Every Authority given or to be given by any *Games.* Baron of the Realm, or by any of higher degree, to Players of Enterludes, shall be void, and they shall be in the degree of Rogues, ordained by a Statute, 39 *Eliz.* 4. 1 *Jac.* 7. § N.

CCCCCLXII. *Crompt.* 97. And Glasmen, who go about the Country *Trades.* and sell Glasses, shall be taken and punished as Rogues, 1 *Jac.* 7. § 3. N. 1. 39 *Eliz.* 4. § 15. N. 2.

CCCCCLXIII. *Crompt.* 97. Dangerous Rogues shall be in open Sessions *Pain.* of the Peace, burned in the left Shoulder with a hot burning Iron, of the breadth of an English Shilling, with a great Roman R. upon the Iron, and to be so thoroughly burned upon the Skin and Flesh, that the said Letter be seen and remain for a perpetual marke, during his life, and thereupon to be sent by the said Justices to the place where he abode, if he hath any, and if he hath none, then to the place where he last abode by the space of a year, if it can be known by his confession or otherwise, and if that cannot be known, then to the place where he was born, to be placed in labor as a true Subject ought to be, and after such punishment, if any such Rogue so punished offends in Begging or wandring, against 39 *Eliz.* 4. or against the said Statute, 1 *Jac.* 7. he shall be adjudged a Felon, and shall suffer as a Felon, and shall be tryed in the County where any such offender shall be taken, and shall lose Clergy.

CCCCCLXIV. *Crompt.* 97. Every one after two Months next after the end *Beggars.* of this present Session of Parliament, shall take or cause to be taken such Rogues, Vagabonds and sturdy Beggars, who come to their Houses to Beg, Gather or receive any Alms, and carry him, or cause him, to be carried to the next Constable or Tythingman, on pain of forfeiture for every default 10 s. to be levied and employed, as is limited by the said Statute, 39 *Eliz.* 4. And for default to be levied and employed by the Lord of the Lect or his Officer, where such offence is committed, as the said persons authorized by the said Statute, may have, levy and employ the same, 1 *Jac.* 7.

CCCCCLXV. *Crompt.* 97. a. b. If the said Constable and Tythingman, do not *Constable,* cause such Rogue, &c. to be punished according to the said Statute, 39 *Eliz.* 4. and to be conveyed according to the purport of the said Statute, he shall forfeit 20 s. for every such default, to be levied and employed as by the said Statute is limited, 1 *Jac.* 7. to continue to the end of the next Parliament, not to prejudice *John Dutton, &c.*

CCCCCLXVI. *Crompt.* 97. b. See 39 *Eliz.* 4. touching Rogues, Vaga- *Continuance.* bonds, who shall be said so, &c. and divers matters concerning them, and how



how he shall be punished, continued until the end of the first Session of the next Parliament, and then 43 *Eliz.* 2. § N. continued until the end of the first Session of the next Parliament which was 1 *Jac.* 7. whereby it was ordained that 39 *Eliz.* 4. should remain in force as long as 1 *Jac.* 7 § 8. N. 1. continued in its force, 21 *Jac.* 28. § 1. N. 37. 61.

*Taxes.*

CCCCCLXVII. *Crompt.* 97. b. All Statutes concerning the punishment of Rogues made before 39 *Eliz.* 4. are thereby repealed, but by 1 *Jac.* 7. § 8. N. 1. the Statute, 14 *Eliz.* 5. concerning Rogues, &c. is revived and to stand in force until the end of the first Session of the next Parliament, as to rating, taxing, levying, receiving and employing of Goal money, 21 *Jac.* 28. § 1. N. 13. 61.

*Justices.*

CCCCCLXVIII. *Dalt.* J. P. cap. 40. pa. 91. Any one of those Justices who may appoint Overseers for the Poor, may also send to the House of Correction or common Goal such as will not employ themselves in work, being thereunto appointed by the Overseers according to the Statute 21 *Jac.* 28.

*Justices.*

CCCCCLXIX. *Dalt.* 40. pag. 91. Two or more Justices of Peace, whereof one to be of the *Quorum*, dwelling in or near the Parish or division, &c. shall yearly within one month after *Easter*, under their hands and Seals, appoint four, three or two substantial Householders in every Parish to be Overseers of the Poor within the same Parish, who shall joyn with the Church-wardens therein, 21 *Jac.* 28.

*Account*

CCCCCLXX. *Dalt.* 356. cap. 141. A warrant for Overseers to give up their accounts, *Infrà* 481. To the High-Constables of the Hundred of &c.

*Kent.* ff. These are in His Majesties Name to charge and command you forthwith to give warning to the Church-wardens, and other the Overseers of the Poor of every Parish within your Hundred, that they do personally appear before us at N. at the sign of, &c. there upon *Tuesday* the. Day of next coming, by nine of the clock in the forenoon of the same day, to yield up and to make a true and perfect account in writing, subscribed with their names or Marks of all such summs of money, as they have received or rated and sessed, and not received for and towards the relief of the Poor of their several Parishes, and also of such stock to set their Poor on work, as is in their hands, or in the hands of any their said Poor to work, and of all other things concerning their said office, and hereof that they fail not at their and every of their perils (*Dalt.* 90. 94. cap. 40.) and further we require you that you give warning to the petty Constables of every Town within your said Hundred, that they or one of them be also then and there present before us to inform and certify us of the names of such other persons as are meet and fitting to be Overseers of the Poor, within their several Towns for this year next ensuing, and hereof fail you not, &c. *Kilborn* 178. the like: And this Warrant must be under the hands and Seals of two Justices at the least, the one of the *Quorum*.

*Overseers.*

CCCCCLXXI. *Dalt.* 357. cap. 121. A Warrant to new Overseers to take their charge, *Kilborn* 183.

*Kent.* ff. By vertue of the Statute, made in the three and fourtieth year of the Reign of our late Sovereign Lady Queen *Elizabeth*, Entituled an Act for the relief of the Poor: These are to will and require you, whose names are here under written, that you together with the Church-wardens of the Parish for the time being, do according to the same Statute, take order from time to time for this year to come for the setting to work of the Poor within your Parish, and for the raising of a convenient stock of some ware or stuff in your Town to that purpose, and for the providing of necessary relief, for such as be lame and impotent amongst you, and for the placing Apprentices, such Children whose Parents are

are not able to maintain them, and hereof see that you fail not at your perils, dated, &c.

CCCCCLXXII. *Dalt. 92. cap. 40.* These Overseers and Church-wardens *Apprentice.* or the greater part of them, with the consent of two or more such Justices shall take order from time to time, for setting their Poor on work, putting out Apprentices and relieving their impotent, as followeth.

CCCCCLXXIII. *Dalt. 92. cap. 40.* First for setting to work the Children *Apprentice.* of all such whose Parents shall not by the greater part of the said Overseers be thought able to keep and maintain their Children, which Children they or the greater part of them, by the assent of two such Justices, may also put out to be Apprentices, *viz.* The Men Children till the age of twenty four, and the Women Children till their age of twenty one years, or the time of their Marriage, and all Poor Children so bound Apprentices, may be taken and kept as Apprentices by their Masters, any former Statute to the contrary notwithstanding, see 1 *Jac. 25. § N.* and 21 *Jac. 28. § N.* but such binding must be by Indenture, *Dalt. 391. cap. 128. and Dalt. 82. cap. 31.*

CCCCCLXXIV. *Dalt. 92. cap. 40.* Secondly for setting to work of all *Estates.* such persons, Married or unmarried, as having no means to maintain them, use no ordinary and dayly trade of life to get their living by, now the placing of such Apprentices, and the setting and holding the Poor to work, is the more proper and true duty of Overseers, for otherwise their bare gathering or raising of a stock is to little purpose. And note that the Church-wardens and Overseers of the Poor, may by and with the consent of two or more Justices of the Peace, whereof one to be of the *Quorum*, &c. set up use and occupy any trade mystery or occupation, only for the setting on work and better relief of the Poor of the Parish, Town or place where they are Overseers, &c. 3 *Car. 1. 4.*

CCCCCLXXV. *Dalt. 92. cap. 40.* Thirdly for relieving such Poor as *Taxes.* amongst them as are Poor and impotent or not able to work. And to these purposes the said Overseers are enabled to raise weekly or otherwise by taxation of every Inhabitant, Parson, Vicar, and other, and of every occupier of Lands, Houses, Tythes, Mines or Saleable under-woods, proportioning them to an Annual benefit, &c. in the same Parish, such competent summs of money, as they shall think fit, therewith to provide a convenient stock of some ware or stuff, to set the Poor on work, and also competent summs of money, towards the necessary relief of the lame, impotent, old, blind, and other Poor not able to work, and for the putting out of such Children as aforesaid to be Apprentices.

CCCCCLXXVI. *Dalt. 93. cap. 40.* But in putting forth of these Apprentices, there must be regard hard to the Master, *viz.* his ability and honesty, *Apprentices.* otherwise by some device or hard intreaty they may provoke their Apprentices to depart or run away.

2. Secondly to his trade or faculty, lest the Apprentice consume his time without learning any thing, and to these two the Justices of Peace must have an eye.

3. Regard must also be had to the Child, *viz.* to put them out timely, and while they are young and tractable, so as they be above the age of seven years, otherwise by reason of their idle and base Educations, they will hardly keep their service or imploy themselves to work.

4. And regard is to be had to the Parents, *viz.* to take away such as are brought up to live idly and loosely, or else such as are a burthen and charge to their Parents.

CCCCCLXXVII. *Dalt. 93. cap. 40.* Note also that as this Statute, 3 *Car. Apprentices.* 1. 4. (5.) § 22. *N. 9.* Enableth the Church-wardens and Overseers with the consent of two Justices of the Peace, to put out Apprentices, so it doth enable them to place those Apprentices with Masters, for without Masters there

there can be no Apprentices. And the said Justices may compel all such as be of ability to take such Apprentices according to their discretion, and if any such Master shall refuse to take such Apprentice so to him appointed, the said Justices may bind such Master over to the next General Goal delivery, there to answer such default. And this was the direction of Sir Henry Mountague, Chief Justice of B. R. at Cambridge Assizes, 1618. Wherewithal agreed, Sir Nicholas Hide, and Sir Francis Harvy, Judges of Assize at Cambridge, summer Assizes, Anno, 1627.

Fines.

CCCCCLXXVIII. *Dalt.* 93, 94. cap. 40. Also the Statute, 43 Eliz. 2. § 5. N. 1. seemeth to warrant as much, &c. or else the said Church-wardens and Overseers with the consent of the said Justices, as it seemeth, may impose upon such Master refusing to take such Apprentice, a competent sum of money for the putting out of such an Apprentice elsewhere. And upon the Masters refusal to pay such money, two such Justices may make their Warrant to levy the same by distress and sale of the offenders goods, &c.

Apprentice.

CCCCCLXXIX. *Kilborns* Precedents 22. A Warrant to put out Poor Children Apprentices.

To the Church-wardens and other the Overseers of the Poor of the Parish of A. in the said County, and to every of them.

Kent ff. **T** Hese are in his Majesties name to Command you, that you do present unto us or some of us in writing, under your hands at the House of A. R. in, &c. upon the day of next, at nine of the clock in the morning of the same day, the names of all such Poor Children of your said Parish as are Orphans, or whose Parents shall not by you or the greater number of you be thought able to keep and maintain them. Together with the names of the Parents of the said Children, if they have any living, and the several ages of the Children aforesaid. And that you do cause such of the said Children as be able to come thither, and more especially such of them as by you shall be thought fit to be put forth Apprentices, to appear before us at the time and place aforesaid, to be by us there viewed. And likewise that you do then and there also present unto us in writing as aforesaid, the names of such substantial Inhabitants of your said Parish to whom you shall think fit to put the said Children or any of them Apprentices, and more especially of such of the said Inhabitants as have not formerly taken such Poor Children of the said Parish Apprentices. And lastly that you do give notice to the said Inhabitants that they are by us required then and there, to appear before us to shew cause why you by our assent shall not bind such of the said Children Apprentices unto them (as to you shall seem convenient,) unless they shall in the mean time consent to take and receive the same accordingly. And that you your selves be then and there also present, and have there this Precept, of all which you are not to fail at your peril, given under our hands and Seals the day of, &c.

Precept.

CCCCCLXXX. *Kilborns* Precedents 25. A Warrant against them that refuse to take Apprentices.

To the Constables, &c. of the Hundred of K. and to every of them.

Kent ff. **W** Hereas the Church-wardens and Overseers of the Poor of the Parish of A. in the County aforesaid, did by our assent by Indenture bearing date the day of &c. put and bind out unto B. C. of the Parish aforesaid, D. E. a Poor Child of the said Parish, Apprentice according to the form of the Statute

tute



into in that case made and provided, in the forty third year of the Reign of the late Queen Elizabeth, Entituled an Act for the relief of the Poor. And forasmuch as the said B. C. doth refuse to take, receive and keep the said Apprentice accordingly, and doth likewise refuse to Seal the Counterpart of the said Indenture, These are therefore in His Majesties name, to Command you, that you, some or one of you, do cause the said B. C. to come before us or one of us, or some other Justice of Peace of the said County to enter into Recognizance unto his said Majesty conditioned for personal appearance at the next General Sessions of the Peace, to be holden at E. in the County aforesaid, then and there to answer the premises, and further to do and receive as the said Court shall then consider of him, in this behalf herof fail not at your perils, given under our hands and Seals at, &c.

CCCCCLXXXI. *Dalt.* 94. cap. 40. Two Justices shall take the Account *Account.* of such Overseers, at the end of their year, and of the Church-wardens in every of these particulars following, 43 *Eliz.* 2. *Supra.* 470.

1. Of all summs of money by them received, or rated and not received.

2. Of all such stock of ware or stuff, as they or any of the Poor have in their hands.

3. What Apprentices they have put out and bound according to the Statute.

4. What Poor they have set to work or relieved.

5. Whether they have suffered any of their Poor to wander and beg out of their Town, or in the High-ways, or in their Town without their direction, 39 *Eliz.* 3. and 4.

6. Whether they have monthly met to consider of these things.

7. Whether they have assessed the Inhabitants and occupiers of Lands, &c. in their Parish, viz. all such as are of ability, and with indifferency.

8. Whether they have endeavored to levy and gather such assessments.

9. Whether they have been otherwise negligent in their Office, within which words also there seemeth to lie included, if they shall neglect to execute the Justices Warrants, to them or any of them directed for the levying of any forfeiture according to this Statute.

CCCCCLXXXII. *Dalt.* 95. cap. 40. He that shall bring any Poor to any *Settlement.* Town which are burthen some to the Town, may be raised in his rates towards the relief of the Poor of that Parish.

CCCCCLXXXIII. *Dalt.* 96. 97. cap. 40. Young Children whose Parents *Infant.* are dead, are to be set on work, relieved or maintained, at the charge of the Town, where they were dwelling at the time of the death of their Parents, and are not to be sent to their place of birth, &c. for if the Parents were not Rogues, we may not make the Children Rogues, except they wander abroad and beg, this was the direction of *Fleming* Chief Justice in a case between *Weslon* and *Cowledge*, Anno. 11 *Jac.* *Lambert* 207. § 7.

CCCCCLXXXIV. *Dalt.* 97. cap. 40. A Travailing Woman having a *Woman.* small Child sucking upon her, is apprehended for Felony, and sent to the Goal, and is after arraigned and hanged, this Child is to be sent to the place of its birth, if it can be known, otherwise it must be sent to the Town where the Mother was apprehended, for that, that Town ought not to have sent the Child to the Goal, being no Malefactor, and so was it delivered by Sir *Nicholas Hide* at *Cambridge* lent Assizes, Anno. 3 *Car.* 1.

CCCCCLXXXV. *Dalt.* 97. cap. 40. So that (*Lambert* 207. § 9.) such *Lies.* persons whose Estates of their Houses be expired, and Servants when their service is ended, they shall not be put out of the Towns where they

so last dwelt or served, neither are they to be sent from thence to their place of birth or last habitation, but are to be settled there to work, being able of body, or being impotent, are to be there relieved. And yet if such persons shall wander abroad, begging out of that Parish, then they may be sent as Vagabonds from the place where they shall be taken wandering or Begging to their place of birth.

*Justices.*

CCCCCLXXXVI. *Dalt.* 97. 98. *cap.* 40. But for the placing and settling of these Poor people, who now for want of Charity are much sent and tossed up and down, from Town to Town, and from Country to Country, it hath been holden by some that it is in the power of the next Justice of Peace to give order therein. And that upon appeal from him, the Justices of Peace at the Quarter-Sessions may fully take order therein, and that their order made in Sessions will not easily be avoided. But Sir *Francis Harvey*, at Summer Assizes at *Cambridge*, Anno. 1629, did deliver it, that the Justices of Peace, especially out of their Sessions were not to meddle either with the removing or settling of any Poor but only of Rogues.

*Bar. & Fem.*

CCCCCLXXXVII. *Dalt.* 98. *cap.* 40. If a Man hireth an House in *A.* and being there with his Wife and Children, he afterwards shall bind himself as a Servant with one dwelling in *B.* yet are not his Wife and Children to be sent to *B.* or placed there, but are to remain still at *A.* where they were once settled, otherwise if the Husband hath hired an House in *B.*

*Bastardy.*

CCCCCLXXXVIII. *Dalt.* 98. *cap.* 40. A Maid Servant gotten with Child at *A.* by her fellow Servant, or by another young-man of the same Town, after both their times of service expireth, and they marry, and then the Young-man is retained at *B.* then the Woman delivered of her Child, she with her Child are to be sent to the Father at *B.* and there they, are to be settled,

*Imprisonment*

CCCCCLXXXIX. *Dalt.* 99. 100. *cap.* 40. And all such persons sent to the House of Correction, must there live by their own labor and work without charging the Town or Country for any allowance, 7 *Jac.* 4. But for the Overseers to suffer such thriftless Poor, or any other which can live of their labor or otherwise, to be chargeable to the Town, or to relieve such, were a means to nourish them in their lewdness and idleness, which take it, and to Rob others of relief that want it, to wrong those of their money that pay it, and to condemn them of oversight that dispose it. And yet if any of these thriftless Poor happen to prove impotent, it seemeth they are to be relieved by the Town, but I leave that to better consideration.

*Lieu.*

CCCCXC. *Kilborns Precedents*, 183. 184. A Warrant to remove one come to a Parish.

To the Overseers of the Poor of the Parish of *H.* in the said County, and every of them.

Kent ff. **F**ras much as complaint hath been by you made unto us that Helen the Wife of R. D. an Inhabitant in the Parish of C. in the County aforesaid, is lately come into your said Parish of Hawke, and hath brought with her thither a Male-Child of the said Robert and Helen, of the age of, &c. or thereabouts, and that both the said Helen and Child are likely to be chargeable to your said Parish, and you have thereupon craved from us such relief touching the premises, as by Law is appointed, These are therefore in his Majesties name to Authorize and require you, that you, some or one of you do convey the said Helen and Child to the said parish of C. and there to deliver them to the said Robert in case you can there find him, to be with him settled accord-

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ding to Law, and in case that you cannot there find him, then to deliver the said Helen and Child to the Overseers of the Poor of the said Parish of C. to be disposed according to Law, given under our Hands and Seals, &c.

CCCCXCI. Kilborns Precedents, 185, 186. A Warrant for removing, *Lieu.* &c. one come to a Parish.

To the Church-wardens and other the Overseers of the Poor, of the Parish of H. in the said County and to every of them.

Kent ff. **W** Hereas complaint hath been made by you to us according to the form of the Statute in that case made and provided (viz. 13 & 14 Car. 2. ca. 12. § N. that A. B. hath within forty days before the said complaint, come into your said Parish to settle there in a Tenement under the year's value of ten pounds, and that he is likely to be chargeable to the Parish aforesaid, and was last legally settled at B. in, &c. by the space of forty days at the least as a Native, (Householder, Sojourner, Apprentice or Servant, &c.) there, These are therefore in His Majesties Name, to require and authorize you and every of you, that you, some or one of you do remove and convey the said A. B. to B. aforesaid, where he was so last legally settled, unless he give sufficient security for the discharge of your said Parish, to be allowed by us, given under our Hands and Seals the, &c.

CCCCXCII. Kilborns Precedents, 186. The like Warrant against one *Handandy.* for not returning, &c. (when his work is finished, or shall fall sick or Impotent, &c.) where he comes to a Parish to work, 14 Car. 2. 12.

To the Church-wardens and Overseers of the Poor of the Parish of H. in the said County, and every of them.

Kent ff. **W** Hereas complaint hath been made by you unto us, that A. B. an Inhabitant of C. came into your Parish to work, and is not returned upon his finishing thereof, These are therefore in His Majesties Name to require and Authorize you and every of you, that you, some or one of you do convey the said A. B. to C. aforesaid, there to remain an Inhabitant as formerly he was, given under our Hands and Seals, &c.

CCCCXCIII. Kilborns Precedents, 184, 185. A Warrant for apprehending one for returning to the Parish from which he was removed, *Lieu.* 14 Car. 2. 12.

To the Constables, &c. of the Hundred of A. in the said County, and to every of them, and to the Keeper of the House of Correction for the said County, at B. in the County aforesaid.

Kent ff. **W** Hereas A. B. in May last legally settled as a Native, (Householder, Sojourner, Apprentice or Servant, &c.) in the Parish of T. came into the Parish of V. to settle in a Tenement there, under the yearly value of ten pounds, and likely to be chargeable to the said Parish, was upon complaint thereof made by the Church-wardens and Overseers, according to the Statute aforesaid in that behalf made by Warrant to the said Church-wardens and Overseers, according to the Statute aforesaid, directed by them, removed and



and conveyed to the aforesaid Parish of T. there to remain according to the said Statute, since which the said A. B. did return of his own accord to the said Parish of V. from whence he was so removed, These are therefore in His Majesties Name to Command you, that you, some of you, or one of you, do cause the said A. B. to come before us, some or one of us, at the House of T. Inholder called the George-Inn, in the said County, the first day of June next ensuing, at nine of the clock in the forenoon of the same day, to shew cause why he returned to the said Parish of V. and further to do and receive, as to Justice doth appertain, Hereof fail not at your perils, given under our Hands and Seals the day of, &c.

*Bar. & Fem.* CCCCXCIV. *Kilborns* Precedents, 187. A Warrant and Mittimus, for one who Runs away and leaves his Family upon the Parish, 7 Jac. 4. Dalt. 385. cap. 125.

To the Constable, &c. of the Hundred of C. and every of them, and to the Keeper of His Majesties Goal, for the said County at M. in the County aforesaid.

Kent ff. **F**Orasmuch as it hath been duely proved before us, that A. B. of the Parish of H. being able to labor, and thereby to relieve himself and his Family, did nevertheless lately run away out of this said Parish, and leave his family upon the Parish, these are therefore in His Majesties Name to command you the said Constable, &c. and every of you, that you some or one of you, do take the said A. B. and him safely convey to the Goal aforesaid, and there deliver him to the said Keeper of the same, together with this precept, Commanding also you the said Keeper to receive him in the Goal aforesaid; and him there safely keep, until he shall be from thence delivered by due order of Law, hereof fail not at your perils, given under our Hands and Seals, &c.

*Pain.* CCCCXCV. *Kilborns* Precedents 242. A Rogue is not to be sent to the House of Correction, but to be whipped, and sent where last settled, if known, otherwise to the place of his birth, but the House of Correction is properly for those that will not work, 2 Bulstrode. 358. Lambert Constable 41.

*Trades.* CCCCXCVI. *Kilborns* Precedents 242. If Inhabitants of the County go with Wares to sell at Houses in that County, they are Rogues, Jenkins 318.

*Taxes.* CCCCXCVII. *Kilborns* Precedents 241. Assessment for the Poor ought to be made according to the visible Estates of the Inhabitants there, both real and personal, but not for any Estate they have elsewhere, and the occupiers of Lands, and not the Landlords are to be taxed, Jenkins 327. pl. 48.

*Taxes.* CCCCXCVIII. *Kilborns* Precedents 179. A Warrant for the Poors Tax on 43 Eliz. 2. Dalt. 357. cap. 121. *Infra* 504.

To the Church-wardens and other the Overseers of the Poor of the Parish of B. in the said County and to every of them.

Kent ff. **F**Orasmuch as complaint hath been made by you unto us, that the several summs of money adjoining to their several Names, being assessed upon them severally for and towards the necessary relief of the Poor of the said Parish according to the form of the Statute, in that case made and provided, These are therefore in His Majesties Name to Command you, that you, some or one of you, do forthwith levy the said several and respective summs of money by distress and sale of the several respective goods of the said several and respective offenders

ders rendring to the parties the overplus, and in defect of such distrefs, that you, some or one of you do cetrifie the same, unto us, to the end that there may be such further proceeding touching the premisses as to Justice doth appartain, given under our Hands and Seals, at A. the day of, &c. A. B. 1 s. 6 d. C. D. 1 s. 8 d.

CCCCXCIX. Kilborns Precedents, 180. A Mittimus where there is not Imprisonment sufficient to destrain.

To the Keeper of His Majesties Goal for the said County at M. in the County aforesaid.

Kent ff. **F**Orasmuch as it appeareth unto us, that A. B. of &c. was assessed and rated at the summs of, &c. for and towards the necessary relief of the Poor of the said Parish, according to the form of the Statute in that case made and provided, and that for his refusal of payment of the same, a Warrant was according to the form of the said Statute, directed to the Churchwardens, and other the Overseers of the Poor of the Parish aforesaid, under the Hands and Seals of E. F. G. H. &c. His Majesties Justices of the Peace of the County aforesaid, and for that it now appears unto us that the said A. B. hath no Goods or Chattels by distrefs and sale whereof the said monies can be leyed, nor will he yet pay the monies aforesaid, We therefore do send you here withall the body of the said A. B. Commanding you to receive him into the said Goal, there to remain without Bail or Mainprize, untill he shall pay the monies aforesaid. Hereof fail not at your perils given under our Hands and Seals at, &c. the day of, &c. Lambert 292. 293.

D. Dalt. 126. 127. cap. 47. Also one Justice of Peace or the Constable, with the Minister and one other of the Parish, after the whipping of a Rogue according to the Statute 39 Eliz. 4. § N. may make the said Rogue a Testimonial under their Hand and Seal for the conveying of such Rogue according to this Statute. Relief.

And yet such Rogues may not beg in their travail, neither may the Constable of the Parish thorough which they pass, nor any other person give them any relief as it seemeth, for that were contrary to 1 Jac. 7. § N. and a forfeiture of 10 s.

But now for that after so many years since the making of these Statutes they will not be reformed of the Roguish life, they are rather to be dealt withal as Incorrigible Rogues.

And as for the Souldier or Mariner, 43 Eliz. 3. especially such as are sick, hurt or maimed, they now are usually or may be relieved with mony by the Treasurers of every County where they come, viz. with such convenient summs, as may carry them to the next County, and this is by a latter law, 21 Jac. 28. § N. and therefore now it may seem unfit that either the Constable should relieve them or suffer them to beg, or ask relief in their Towns, for so the Country shall be double charged towards their relief, viz. in paying to the Treasurer towards their relief, and again in giving them at home at their doors.

DI. Dalt. 127. cap. 47. So that I do not find that any one or more Justices of Peace, may or can in any case Licence any Man to beg or ask relief at all, but only may make a Testimonial or Licence, in the two first former cases, and somefew other, to pass from place to place, and yet in those two cases only the Law tolerates them to ask and receive necessary relief. I observe further that by 39 Eliz. 3. tho it be now expired, no person whatsoever might go wandring abroad and beg in any place whatsoever, by Licence or without, upon pain to be taken as a Rogue, and therefore Quære of such briefs and Licence as lately have usually come from or in the name of the Lord Mayor of London; Licenceing Poor persons to travail and

Relief.

and to ask or beg relief in their travail, and by general passeports not directing them from Parish to Parish, *Dalt.* 380. cap. 124.

DII. *Dalt.* 130. cap. 47. At Summer Assizes held at *Royston*, for the County of *Cambridge*, Anno Dom. 1630. Sir *Francis Harvy*, delivered these rules or directions upon the Statutes made against Rogues.

1. That now no Pass is to be allowed for these wandering people, and that such of them as do Pass or travail tho with any passeport, yet are to be punished as Rogues notwithstanding such their Passeport.

2. That if any Ale-house-keeper or other person shall but lodge a Rogue, this is relieving of them, and contrary to the Statute of 1 Jac. 7. § N. and is a forfeiture of 10 s.

3. That giving of money by a Constable to a Rogue is a relieving of a Rogue within 1 Jac. 7. § N. and a forfeiture of 10 s.

4. For the way to rid the Country of these Rogues is to give them either due punishment, and that often, yea at every Town, if they will not be reclaimed, and to keep them from lodging and other relief, as much as may be, or else to send them to the Goal as incorrigible Rogues.

Relief.

DIII. *Kilborns* Precedents, 188. A Warrant to allow a poor prisoner relief.

To A. B. Gent. Treasurer for the relief of the prisoners in His Majesties Goal for the said County at M. in the County aforesaid.

Kent fl. **W**Hereas T. S. now Prisoner in the said Goal is in very great necessity for want of present relief for his subsistence there, These are therefore, so far forth as in us lieth, to appoint and Authorize you the said Treasurer to allow unto the said T. S. competent relief during his necessity in the said Goal, given under our Hands and Seals the third day of J. Anno. Dom. 1679.

Taxes.

DIV. *Dalt.* 357. cap. 121. A Warrant to distrain such as refuse to pay their Rates for the poor, *Kilborn* 179. *Suprà* 498.

To the Church-wardens and other the Overseers for the poor within the parish of W. and to every of them.

Canterbr. **F**Orasmuch as we are credibly informed that the persons hereunder-named do refuse to contribute or pay the sums of money hereunder-mentioned, upon their Heads, being assessed and rated upon them severally, for and towards the necessary relief of the poor of your said Town, according to the form of the Statute in that behalf lately provided. These are therefore in His Majesties Name to charge and Command you and every of you forthwith, to levy all and every the said several sums of money unpaid, and all the Arrearages thereof, of all and every the said persons so refusing, by distress and sale of the offenders goods, you rendering to the parties the overplus that shall remain upon the sale of the said Goods, and this shall be your sufficient Warrant therein, dated, &c.

Another to the Church-wardens, &c.

Canterbr. **T**Hese are in His Majesties Name to charge and Command you and every of you, presently to demand of all and every the persons hereunder Named, all and every the several sums of money hereunder severally written or set upon their Heads, being assessed and rated upon them, for and towards the necessary relief of the poor of your said Town, according to the form of the Statute in that behalf lately provided, and if they or any of them shall



shall refuse to pay the said several sums of money so rated upon them, that then presently you levy the same by distress and sale of the offenders goods, rendering to the parties the overplus that shall remain upon the sale of their said goods, and this shall be your sufficient Warrant therein. Dated, &c.

DV. Lambert J. P. Precedents, 18, pl. 49. A Presentment for a Rogue *Indictment.* or Vagabond, and his relief, *Infrà* 538.

*Juratores pro Dom. Rege super Sacramentum suum Presentant. quod A. B. nuper de C. in dicto Com. Schauelman etatis septem Annorum & amplius, ac Corpore sano, valente potente atque ad laborandum Habili Existens nullam Artem habens, terram, aut ullum Magistrum, nec aliqua utens licita Marchandiza, Arte vel misterio unde sibi victum parare posset 10. die Decembr. Anno Regni Dom. nostri Jacobi Dei Gratia, Anglia, &c. apud E. Infrà Hundredum de W. in Com. predict. & multis aliis in locis dicti Comitatus huc illic passim vagatus est mendicans ac per W. de E. predicta, in dicto Comitatu Teoman, Constabularium dicti Hundredi de W. (in quo sita est villa de E. predicta) postea viz. 12 die mensis Januarii. Anno supradicto apud E. predict. in Com. predicto inventus est vagrans & mendicans, ac per eundem Constabularium tunc ibidem deprehensus est, Inordinatè se gerens tanquam Vagabundus, & Mendicus validus, contra pacem dicti Dom. Regis ac contra formam diversorum Statutorum inde provisorum & editorum, & ulterius quod G. H de E. predict. in dicto Comitatu Teoman sciens prefatum A. B. modo & forma predictis Vagantem & mendicantem, eundem tamen A. B. dicto 10. die Dec. Anno supradicto in Domo. Ipsius G. H. mansionali apud E. predict. in Com. predict. Hospitavit, & eidem A. B. tunc & ibidem panem & potum voluntariè dedit in contemptum dicti Dom. Regis ac contra formam Statutorum predictorum.*

DVI. Kilborns Precedents, 198, 199. A Warrant to make General *Fresh suit.* search for Rogues, Vagabonds, &c. on 7 Jac. 4.

To the Constable, &c. of the Hundred of C. in the said County, and to every of them.

Kent ff. **T**Hese are in His Majesties Name to Command you and every of you, that taking assistance of sufficient men of the said Hundred you do in the night before the 20 day of October next ensuing make a general priey search within every of the Parishes, Villages and Hamlets, within the same, for the finding out and apprehending of all Rogues, Vagabonds, and wandring and Idle persons, in and about the said Parishes, Villages and Hamlets, and that such Rogues Vagabonds and wandring and Idle persons as you shall then find and apprehend in the said search, you do bring before us, or some of us, on the aforesaid 20 day of October, at the House of John Price in C. at nine of the Clock in the forenoon of the same day, there to be Examined of their Idle and wandring life and to be further dealt withal according to Law, and that you do then and there also give unto us an account and Reckoning upon Oath in writing, and under the hand of the Minister of each respective Parish, what Rogues, Vagabonds and wandring and disorderly persons, you have apprehended both in the same search, and also since the last like general search made, and how many have been punished, or otherwise sent to the House of Correction, all which you are not to neglect upon forfeitures of such fines, pains and penalties, as by the Statute in such case made and provided, may be by us inflicted upon you for such your neglect. We do likewise hereby in His Majesties Name further Command you, and every of you, to bring before us, or some of us, at the time and place aforesaid, all such persons within the said Hundred, as be Masterless, or live out of service, or be Common Ale-house haunters, or expenders of their monies, in riotous living, not duely laboring for their living, whereby

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so to maintain them to the end that we may proceed against them, as to Justice doth appertain, and that you your selves be then and there also personally present to give account of the Execution of this our Warrant, hereof fail you not at your perils. Given under our Hands and Seals at, &c.

*Fresh suit.*

DVII. Dalt. 358. cap. 121. A Warrant for a General Search for Rogues, 7 Jac. 4.

To the High-Constables of the Hundred of, &c.

Cambridge **T**Hese are in His Majesties Name to charge and Command you, that you together with the Pety Constables of the severall Towns, Parishes and Hamlets within your Hundred, taking sufficient assistance out of the said Towns, do make a general privy search within every of the said severall Towns, Parishes and Hamlets, upon the day of, &c. at night next coming, for the finding out and apprehending all Rogues, Vagabonds and wandring and Idle persons in or about your said severall Towns, Parishes or Hamlets, and that such as shall be found and apprehended, you do cause them to be brought before us the next day unto L. by nine of the Clock, there to be by us dealt withal according to the late Statute in that behalf provided, at which time and place, we further require you together with the said Pety Constables to appear before us, and there to give an account and reckoning upon Oath in writing, and under the hands of the Minister of every severall Parish within your Hundred, what Rogues, Vagabonds, wandring and disordered persons, have been there apprehended, as well in the same search, as also since the last assembly and meeting that made was for that purpose, being upon or about the day of, &c. last past, and hereof fail you not, &c.

*Prodes.*

DVIII. Dalt. 358. cap. 121. Note that all Rogues which shall be brought before the Justices upon such search after Examination of their idle life taken by the Justices, are either to be whipped by the Constables of the Town where the Justices sit, as it seemeth, or else from thence are to be sent to the House of Correction, and to be conveyed thither by the Constables that brought them, and yet at the charge of the Hundred, which services imposed on the Constables, are some cause of their neglect of this service, and therefore I have set down another course and Precedent perhaps no less serviceable, which also may be performed and done, every month or every meeting of the Justices, if need shall so require, or if the Justices can not, or shall not meet, yet it seemeth such Warrant may be granted out by any one Justice of the Peace as followeth.

*Fresh suit.*

DX. Dalt. 358. 359. cap. 121. Another Warrant for a general search

To, &c.

Cambridge **T**Hese are in the Kings Majesties Name to Charge and Command you, that you, together with the Pety Constables of the severall Towns, Parishes and Hamlets, within your Hundred, taking sufficient assistance out of the said Towns, do make a general privy search within every of the said severall Towns, Parishes and Hamlets, upon the day of, &c. at night next coming, for the finding out and apprehending of all Rogues, Vagabonds and wandring and idle persons, in or about your said severall Towns, and that such as shall be found and apprehended, you do cause them to be punished in every severall Town or Parish, where they shall be so apprehended by the Pety Constables of every severall Parish respectively, and by them also further to be conveyed according to the Statute, and if any of the said Rogues shall appear to be dangerous

gerous or Incorrigible, that then you cause such to be brought before me or any other of His Majesties Justices of Peace of this division, to be further dealt withal according to the Statute in such cases provided. Dated, &c.

DX. Dalt. 380. cap. 124. A Testimonial or Passport for a Poor man to *Licence.*  
Travail.

Canterbur. **S**ir R. M. and Sir J. R. Knights, two of the Kings Majesties Justices of Peace, within the said County, to all Justices of Peace, Mayors, Bailiffs, Constables, and all other his Majesties Officers and Ministers whatsoever, sendeth greeting, &c. Forasmuch as the bearer hereof E. P. (because of, &c.) hath desired our Testimonial or Licence for his safer travail unto the City of B. where, &c. in consideration whereof know ye, we the said Sir R. M. and Sir J. R. so far as in us lieth to have Licenced the said E. P. to travail and pass the direct way from H. within the said County of C. where-in he lately dwelled, unto the said City of B. so as his Journy be not of longer or further continuance than twenty days next after the date hereof, praying you and every of you not to molest or trouble the said Poor man in his travail, but to permit and suffer him peaceably to pass, so as he shew himself in no respect offensive to his Majesties laws. In witness, &c.

DXI. Dalt. 381. cap. 124. A Testimonial for such as have suffered *Licence.*  
Ship-wrack.

Norf. **A**. B. of C. in the County of Norfolk Esq<sup>r</sup>, one of the Kings Majesties Justices, &c. to all, &c. Forasmuch as the bearer hereof is aged about, &c. having lately been at Sea in a Ship called, &c. and hath suffered Shipwrack, and got to land at Y. in the said County of Norfolk, upon the day of, &c. last past, as I am credibly informed, as well by the report of the said I. S. as also by the testimony of divers the Inhabitants of Y. aforesaid, and for that the said I. S. hath not wherewith to relieve himself in his Travail homewards to D. in the County of H. where he saith he was born, or hath a dwelling, &c. These are therefore to pray you and every of you, to whom these presents shall come, not to molest or trouble the said I. S. in his travail to D. aforesaid, where he is limited to be within, &c. days next after the date hereof, but desiring you rather to relieve him in his necessity as you shall seem meet, and withal you the Constables of every Town where he shall come, to help him with lodging in convenient time, so that he Travailleth the direct way to D. aforesaid, not doing any thing contrary to the Laws and Statutes of this Realm. In witness, &c.

DXII. Kilborns Precedents, 115. 214. A Warrant for apprehending *Imprisonment*  
and committing a dangerous Rogue, 7 Jac: 4.

To the Constables, &c. of the Hundred of A. and to the Keeper of the House of Correction for the County aforesaid.

Kent II. **F**orasmuch as A. B. a Rogue (Vagabond, idle or disorderly person, &c.) was found and apprehended at C. in the Hundred and County aforesaid, in a general privy search by our Command made according to the form of the Statute in that case made and provided, and brought before us this present day at our assembly at T. in the County aforesaid. We do therefore in His Majesties Name Command you the Constables, &c. that you, some or one of you, do at the charge of the said Hundred convey the said A. B. to the aforesaid house of Correction, and there deliver him to the said Keeper of the same, together with this Precept, Commanding also you the said Keeper to receive him



into the said house, and there set him to work and labor or otherwise to deal with him according to Law, until he shall be from thence lawfully delivered, thereof fail not at your perils, given under our Hands and Seals, at A. aforesaid the, &c. day of &c.

*Imprisonment* DXIII. Dalt. 384. cap. 125. A Mittimus to the House of Correction, of a dangerous Rogue.

Kent fl. **I**R. &c. and M. D. Esq; two of the Kings Majesties Justices of the Peace within the said County of K. to the Master or Governor of the House of Correction at B. for the East side of the same County, or to his Deputy there greeting, 39 Eliz. 4. and 7 Jac. 4.

Whereas I. S. a sturdy Vagrant Begger, was this day of &c. Anno Dom. &c. brought before us and charged, as well with Begging and Idle wandring abroad, as also with other lewd and disorderly behavior, so as he appeareth to us to be dangerous to the inferior sort of people, or such a one as will not be reformed of his Roguish life, Contrary to His Majesties Laws in that behalf provided. These are therefore to Will and require you, to receive the said I. S. and him safely keep in your said house until the next Quarter Sessions to be holden in the said County, and during all that time that he shall so continue with you, that you hold him to work and labor, and to punish him by putting Fetters or Givies upon him, and by moderate whipping him, as in good discretion you shall find cause, yealding him for his maintenance only so much as he shall deserve or Earn by his labor and work, and that at the said next Quarter Sessions you have the said I. S. there, together with this our Warrant, and hereof see that you fail not, &c. dated, &c.

*Imprisonment* DXIV. Kilborns Precedents, 196. A Mittimus for a dangerous Rogue on 39 Eliz. 4.

To the Constable, &c. of the Hundred of A. and to every of them, and to the Keeper of His Majesties Goal for the said County at M. in the County aforesaid.

Kent fl. **F**rasmuch as A. B. a wandring Rogue doth appear to be dangerous to inferior sort of people, (or one that will not be reformed of his Roguish life, &c.) We do therefore in His Majesties Name charge and Command you the said Constable and Borsholders, &c. that you, some or one of you do safely convey the said A. B. to the Goal aforesaid, and there deliver him to the said Keeper of the same, together with this precept, Commanding also you the said Keeper to receive him into the said Goal, and him there safely to keep until the next Quarter Sessions of the Peace, to be holden for the said County at A. aforesaid, that he may then and there be farther dealt withal according to the Law. Hereof fail not at your perils, given under, &c.

*Warr.* DXV. Kilborns Precedents, 205. A Certificate for allowance to Wife or Orphan of maihmed Souldier on 14 Car. 2. 12.

To the Treasurer of the said County for maihmed Souldiers.

Kent fl. **F**rasmuch as A. B. (Widdow or Orphan) of D. Officer, Souldier or Mariner, maihmed, indigent, aged or disabled in body for work in the service of His Majesty, &c. hath according to the form of the Statute in that behalf lately made appear unto us, that A. B. late of C. continued faithful to his trust, and not deserted the same by taking up Arms against His said late Majesty, or His Majesty that now is, or otherwise. We do therefore according to the

the said Statute adjudge that over and besides such relief as shall give by work and labor and shall be allowed by the Charity and benevolence of the Parish of A. where is now settled.

DXVI. *Kilborns* Precedents 212. 213. A Testimonial or Pass for a *Licence* Vagrant where the place of his birth is nor known on 39 *Eliz.* 4. *Lambert* 204. Constables duty 41.

Kent ff. **A.** B. a Vagabond of low Stature, aged about twenty years, was this present day taken, Begging (Vagrant wandring or misordering himself, &c.) at T. in the County aforesaid, and then and there by my appointment punished according to the form of the Statute in that case provided, and for that the Parish where he was born is not known, tho it be demanded of him, and for that also he did last dwell before the same punishment by the space of one whole year in the Parish of T. &c. as he confesseth, he is therefore to be conveyed from Parish to Parish by the Officers of every of the same, the next right way to the said Parish of T. there to put himself to labor as he ought to do, and he is limited to pass thither within, &c. days now next ensuing at his peril. Given under my hand and Seal at, &c.

DXVII. *Kilborns* Precedents, 213. The like where neither the place of *Licence* his birth nor last abode is known.

Kent ff. **A.** B. Vagrant of middle Stature, aged about forty years, was this present day taken Begging (Vagrant wandring or misordering himself, &c.) at T. in the said County, and then and there by my appointment punished according to the form of the Statute in that case provided, and for that neither the Parish where he was born nor the Parish where he did last dwell before the said punishment by the space of one whole year, is known, tho both were by me demanded of him, he is therefore to be conveyed from Parish to Parish by the Officers of every of the same, the next strait way to the Parish of B. in the, &c. through which he last passed, without punishment as he saith, and he is to be from thence conveyed by the Officers of the said Parish, according to the form of the Statute in that case made and provided, and is limited to pass thither within days now next ensuing at his peril. Given under my Hand and Seal at, &c.

DXVIII *Kilborns* Precedents 214. A Warrant to pay 2 s. for apprehending a Vagrant on 14 *Car.* 2. 12. *Forfeiture*

To the, &c. of A. in the Parish of B. in the County aforesaid.

Kent ff. **W** Hereas A. B. did lately apprehend and bring unto me C. D. a Rogue, (Vagabond or sturdy Begger) which did pass through your, &c. in the Parish aforesaid unapprehended, These are therefore in His Majesties Name to Will and require you, forthwith to pay to the aforesaid A. B. 2 s. (for each) for his said apprehension of the aforesaid C. D. according to the form of the Statute in that case lately made, hereof fail you not at your peril. Given under my Hand and Seal the, &c.

DXIX. *Kilborns* Precedents 215. A Warrant upon non payment of 2 s. *Distress* for apprehending a Vagrant on 14 *Car.* 2. 12.

To the Constables, &c. of the Hundred of A. in the County aforesaid, and to every of them.

Kent

Kent ff. **W** Hereas A. D. did lately apprehend and bring unto T. H. one of His Majesties Justices of Peace of the said County, C. D. which did pass through the, &c. in the Parish of T. in the County aforesaid, unapprehended, of which said place of apprehension A. B. was then Constable, &c. and thereupon the aforesaid Justice did according to the form of the Statute in that behalf made, require the said A. B. to pay to the aforesaid A. D. 2 s. for his said apprehension of the said C. D. nevertheless the said A. B. hath neglected to pay the same, These are therefore in His Majesties Name to require you, and every of you, that you, some or one of you, do levy by distress and sale of the Goods and Chattels of the said A. B. 20 s. by him forfeited and lost, for not causing the aforesaid C. D. to be punished and convicted according to the form of the Statute in that behalf made; and that out of the monies by you so levied, you do pay to the said A. D. the aforesaid 20 s. and &c. more, which we think fit to allow unto him for loss of his time, and that you do employ and dispose of the residue of the said 20 s. to the relief of the Poor of the Parish aforesaid. Hereof fail not at your perils, given under our Hand and Seals, the day of, &c.

*Certificate.*

DXX. Kilborns Precedents 216. A Certificate of apprehending a Vagrant in the confines of another County, on 13 & 14 Car. 2. 12.

To A. B. one of His Majesties Justices of the Peace, of the said County of C.

Kent ff. **T** Hese are to certifie you that C. D. Rogue (Vagabond or sturdy Begger) having passed through the Parish of T. in the said County of C. unapprehended, was upon the second day of June apprehended at T. in the said County of C. in the confines of the County aforesaid, by R. W. Given under my hand the day of, &c.

*Forfeiture.*

DXXI. Kilborns Precedents 216. A Warrant to pay 2 s. thereupon.

To, &c. in the Parish of B. in the County aforesaid.

Kent ff. **W** Hereas I have received a Certificate under the hands of A. B. one of His Majesties Justices of the Peace for the County of K. that C. D. Rogue (Vagabond or sturdy Begger) having passed through the Parish of T. in the said County of C. unapprehended, was upon the second day of June apprehended at T. in the said County of C. in the confines of the County aforesaid by R. W. which said Parish of T. was then in your Hundred, (Borough, &c.) These are therefore in His Majesties Name to Will and require you forthwith to pay to the aforesaid R. W. 2 s. for his said apprehension of the aforesaid C. D. according to the form of the Statute in that case lately made, Hereof fail not at your perils. Given under my Hand and Seal the day of, &c.

*Process.*

DXXII. Kilborns Precedents 217. A Warrant upon non payment of the same.

To the Constables, &c. of the Hundred of A. in the said County, and every of them.

Kent ff. **W** Hereas I lately received a Certificate under the hand of A. D. one of his Majesties Justices of the Peace of the County of K. that C. D. having passed through the Parish of, &c. in the said County of K. unap-



unapprehended, was apprehended at T. in the said County of K. in the confines of the County aforesaid by R. W. of which said Parish A. B. of C. was then Constable, &c. and whereas I did according to the form of the Statute in that behalf lately made by Warrant under my hand and seal, require the said A. B. to pay the aforesaid R. W. 2 s. for his said apprehension of the aforesaid C. D. according to the Statute aforesaid, nevertheless the said A. B. hath neglected to pay the same, These are therefore in his Majesties Name to require you and every of you, that you, some or one of you, do levy by distress and sale of the goods and Chattels of the said A. B. 10 s. by him forfeited and lost by not causing the aforesaid C. D. to be punished and conveyed according to the form of the Statute in that behalf made, and that out of the monies you have so levied, you do pay to the said R. W. the aforesaid 2 s. And, &c. more which we think fit to allow him for his expences and loss of time, and that you do employ and dispose of the residue of the said 10 s. to the relief of the Poor of the said Parish of T. Hereof fail not at your perils. Given under my hand and seal the day of, &c.

DXXIII. A Mittimus to the House of Correction of Rogues, apprehended by the Watch. *Imprisonment*

To the Keeper of the House of Correction of W. &c.

Suff. **F**rasmuch as A. B. and C. B. his Wife were this present day brought before me by I. D. and I. F. Constables of the Town of W. being by their Watch this last night apprehended and charged with wandring and Roguing abroad, as also with other lewd and disorderly behavior and course of life, and such as will not be reformed thereof, contrary to his Majesties Laws in such behalf provided, These are therefore in his Majesties Name to will and require you to receive and take into your custody the said A. B. and C. B. his Wife and them safely keep until they shall be thence delivered by due order of Law, and in the meantime to hold them the said A. B. and C. B. his Wife to such labor and work, and give unto him such punishment as by the Laws are required, giving and yielding him such and so much maintenance as they the said A. B. and C. B. shall by their labor and work Earn and deserve, and that you have the said A. B. and C. B. at the next Quarter Sessions to be holden at W. aforesaid, together with this Warrant. Given under, &c.

DXXIV. Kilborns Precedents 219. A Warrant to send a Wife and Child to a Husband. *Bar. & Fem.*

To the Overseers of the Poor of the Parish of C. in the said County, and to every of them,

Kent. **F**rasmuch as complaint hath been by you made unto us that H. the Wife of R. D. an Inhabitant of the Parish of C. in the County aforesaid, is lately come into your said Parish of H. and hath brought with her thither a Child of the said R. and H. of the age of, &c. or thereabouts, and that both the said H. and Child are likely to be chargeable to your said Parish, and you have thereupon craved from us such relief touching the premises as by the Law is appointed, These are therefore in his Majesties Name to Authorize and require you, that you, some or one of you, do convey the said H. and Child to the said Parish of C. and there deliver them to the said R. in case you can there find him, to be with him settled according to Law, and in case that you cannot there find him, then to deliver the said H. and Child to the Overseers of the Poor of the said Parish of C. to be disposed of according to Law. Given under our hands and seals at, &c.

DXXV. 2

## Apprentice.

DXXV. 2 *Inst.* 734, 735. And where some are of opinion that in particular Towns a discreet and expert Workman may set the young and idle people as Volunteers on work, certainly the youth on both Sexes hath in the time of this great negligence gotten such a trade of picking, theiving, stealing of Wool, and the like, through idleness, as they will never be brought to work, unless they be thereunto compelled, and the rather for that some of their Parents and Masters have benefit by them, but compelled they may be, and this great work happily effected, if by the order of the Justices of Peace, these Statutes, 43 *Eliz.* 2. 7 *Jac.* 4. &c. be put in due Execution.

## Trades.

DXXVI. 2 *Rel.* 172, 173. *Hollingsworth Trin.* 18. *Jac. B. R. I.S.* Indicted that he being Inhabitant at B. in the County of Middlesex was *Circumferarius Anglicæ a Pedler & otiosa & vaga persona diversis temporibus & locis in patria vagarius & apud Hackney & diversa alia loca privata & non in mercatis aut feriis diversas mercimonia personis venditioni exposuit*, and specifies certain smallwares which he sold. And, 1. Exception, that its not alledged he was taken wandering as, 39 *Eliz.* 4. § 3. N. 1. is, but *non allocatur*. For the wandering it self is that which makes him a Rogue, and not the being so taken. 2. Its said at H. & *diversa alia loca*, and names no place certain, no persons to whom sold, but *per Curiam* any place is sufficient; And *per Dodridge*, by wandering he is a Rogue, tho he sells nothing. 3. Tho the value of the things sold be not exprest, its well enough, And tho it be exprest. 4. that he hath a place of Habitation, *viz.* at B. yet this will not excuse him, but he shall be adjudged a Rogue.

## Bastard.

DXXVII. 2 *Bulstrode* 326, (344.) *pl.* 240. *Mich.* 7 *Car.* 1. *B. R. Reeves Case.* The reputed Grand-Father Inhabitant in *Suffolk* of a Poor Bastard-Child in *Middlesex* is chargeable by order of Sessions in *Suffolk*, not in M. upon 43 *Eliz.* 2. § N. *contra* 2 *Bulstrode* 328. (346.) *pl.* 242.

## Bar. &amp; Fem.

DXXVIII. 2 *Bulstrode* 327. (345.) *pl.* 241. At Summer Assizes 7 *Car.* 1. at *Leicester*, by *Hutton* and *Crook* in *Drapers case*, the Husband of Grand-Mother that was able before Marriage shall keep the Poor Child, so 2 *Bulstrode* 328. (346.) *pl.* 242.

## Bastard.

DXXIX. 2 *Bulstrode* 346, (328.) *pl.* 242. in *Gerrards case*, *Mich.* 7 *Car.* 1. Against City of *Westminster* it was said, that a Bastard Child is not within 43 *Elz.* 2. to be relieved, nor by *Crook* is Grand-Father in-law chargeable by Improvement of his Wife, if she had nothing at Marriage. *Contra per Whitlock.* Quære.

## Bar. &amp; Fem.

DXXX. 2 *Bulstrode* 330, (348.) *pl.* 243. The Justices cannot make any order to remove or charge a Parish on 43 *Eliz.* 2. § N. until the Husband becomes impotent, &c.

## Settlement.

DXXXI. 2 *Bulstrode* 331, (349.) *pl.* 245. The Parish where Bastard Child was got, shall keep the Child, if the Mother by practice was removed to be delivered in another, else the Parish where the Mother dwells, *per Jones* at Summer Assizes 8 *Car.* 1. at *Gloucester*.

## Bar. &amp; Fem.

DXXXII. 2 *Bulstrode* 332, (350.) At *salop* Assizes Lent 7 *Car.* 1. in *Goughs case*, by *Jones* and *Whitlock*, Poor Bastard Child is to be sent to Mother, if able, on death of reputed Father, and if she be unable, to the Parish where reputed Father kept it.

## Infant.

DXXXIII. 2 *Bulstrode* 334, (352.) *pl.* 247. By *Jones* and *Whitlock* at *Stafford* Summer Assizes 5 *Car.* 1. the last proviso of 39 *Eliz.* 4 § 15. N. 1. shall not extend unto Children if they be under the age of seven years, and that an Infant under the age of seven years shall not be said to be a wanderer.

## Taxes.

DXXXIV. 2 *Bulstrode* 353, (335.) *pl.* 248. At *Worcester* Assizes Summer 8 *Car.* 1. between the Parish of *Saint Peters* and *Saint Ewens*, charge of abler Parish to support the Poorer may be altered as the Poor of each in case

or decrease and Overseers where Tenements are, may charge such as inhabit in another Parish.

DXXXV. 2 *Bulstrode* 336. (354.) pl. 249. At *Lincoln* Assizes, Lent 9 *Taxer.*  
*Car.* 1. held by *Haughton* and *Crook*, that assessment to Poor ought to be made according to the visible Estate of Inhabitants in that Town or Parish, both real and personal, and not for any Estate elsewhere, and this hath been so resolved by all the Judges.

2. The Tenants or occupiers are only to pay to the Poor and not the Landlord.

DXXXVI. 2 *Bulstrode* 339. (357.) pl. 251. At *Worcester* Assizes, Lent *Settlement.*  
*14 Car.* 1. One *Chappels* case who was born at *W.* in one County, settled at *S.* in another, and after laboring at *L.* in another, became a Cripple, and was taken begging as a wanderer, and by *Jones* Justice sent to *W.* the place of birth to maintain.

2. Note also, resolved that if one great with Child be sent to the House of Correction, and there she is delivered of the Child, that the Child shall be sent to the Parish from which the Mother was sent to the House of Correction to be kept and provided for there, being there last settled.

3. Note also, resolved that a Rogue is not to be sent to the House of Correction, but he is to be whipped and so to be sent to the place where he was last settled, if the same may be known, or otherwise to the place of his birth, but the House of Correction is for the Poor of a Parish who refuse to work, to be there whipped and set on work.

DXXXVII. *Dalt.* Edit. 1666. cap. 46. pag. 118. Resolutions of the Jud- *Apprentice.*  
*ges of Assize* 9 *Car.* 1. Anno 1633.

1. *Question*, Whither the Church-wardens and Overseers of the Poor of the Parish with assent of two Justices of the Peace, one being of the *Quorum* may by 43 *Eliz.* 2. § 5. *N. I.* or any law, inforce a Parishioner of the same Parish to take a Child of a Poor Parishioner of the same Parish, who is not able to keep his said Child, to be an Apprentice?

*Resolution*, That 43 *Eliz.* 2. § 5. *N. I.* which saith that the Church-wardens and Overseers of the Parish shall put out Children to be Apprentices, necessarily implieth that such as are fit must receive Apprentices, and the putting out of poor Children to be Apprentices is one of the best ways of providing for the poor.

2. *Quest.* If they may, then whither they must not give money with him, and who shall determine what money shall be given with him if the party that is to take such Apprentice and the Church-wardens and Overseers cannot agree thereupon? *Money.*

*Resolu.* There is no necessity that money must be given, but that must be left to the discretion of the Church-wardens and Overseers, all circumstances of age and ability being considered, and if they cannot agree with the party then the Justices of Peace near adjoining, or in their default the Sessions of the Peace are to determine these controversies.

3. *Quest.* Whither a Knight, Gentleman, Clergyman or Yeoman, or one that is Sojourner using Husbandry, Clothing or Grasing, or the like, may be enforced to take such an Apprentice? *Estate.*

*Resolu.* Every Man who is by calling or profession or manner of living that entertaineth and must have the use of other Servants of the like Quality, must entertain such Apprentices, wherein discretion must be the guide upon due consideration of circumstances.

4. *Quest.* Whither a wealthy man keeping few or no Servants not wanting a Servant, but living privatly, may be forced to take such an Apprentice, if not, then whither he may be taxed towards the putting forth of such an Apprentice? *Apprentice.*



*Resolu.* For the receiving of such Apprentices the answer may be referred to the next Question 3. before, but out of doubt every such person must contribute to the charge as to other charges for the provision for the Poor.

*Lieu.*

5. *Quest.* Whither they may enforce a Parishioner that is of one Parish to take such a Child Apprentice that is of another Parish, but within the same County or division, if the proper Parish be not able to provide for the Children of the same Parish?

*Resolu.* The Justices may provide Masters for them in other Parishes within the same Hundred, and if the same Hundred be not able, then out of that Hundred in the rest of that County, as for other provision for the poor which must be at a Quarter Sessions, 43 *Eliz.* 2. § 3. N. 1. 2.

*Procest.*

6. *Quest.* If such a parishioner may be enforced to take such an Apprentice and shall refuse not only to take such an Apprentice, but also refuse to be bound to appear at the next Quarter Sessions or Assizes what shall be done to him?

*Resolu.* If any refuse, let such a one be bound over to the next Sessions or Assizes, if he refuse to give such bond, let him be sent to the Goal, there to remain until he shall give such bond.

*Esail.*

7. *Quest.* If such a parishioner who refuseth to take such an Apprentice shall be bound over to the Sessions for not taking such an Apprentice, and when he appeareth there shall likewise refuse, what shall be done to him and what shall be done to the Parents who refuse to suffer their Children to be put out to be Apprentices, themselves not being able to maintain them?

*Resolu.* If at the Sessions or Assizes such a one refuseth to take an Apprentice, and his excuse be not allowed, it is fit he be bound to the Good-behavior.

And it will be a good course to indict such a refuser for a contempt, and thereupon to fine and imprison him.

If he refuse to be bound to the Good behavior, let him be imprisoned till he will, and the Kings book of orders directs that such be bound with good sureties to appear at the Council board.

And if the parents of such poor Children refuse to suffer their Children to be bound Apprentices, or being bound intice them away, themselves not being able to maintain them, let them be committed to the House of Correction.

*Americaments.*

8. *Quest.* Whither it be in the power of any general Quarter-Sessions to mitigate any penalty upon a Statute Law, if the party Indicted shall submit himself to the fine of the Court and wave the traverse?

*Resolu.* If the party be convicted or confess the fault, it is not in the power of the Court to mitigate the fine in such cases where the Statute makes it certain, *Lambert* 569. 570. in Justices 185.

But if the party indicted protesting his Innocency, yet *quia noluit placitare cum Dom. Rege* puts himself upon the grace of the Court, the Court may impose a moderate fine and order to forbear the prosecution.

*Justices.*

9. *Quest.* If any be bound to appear at the Sessions, and shall tender submission to the Court, whither the Sessions may stay the Indictment and mitigate the fine aforesaid upon the Confession of the fact?

*Resolu.* This is answered before to the next precedent Article 8. Question.

*Ale.*

10. *Quest.* If a man be convicted for being drunk, tipling and keeping an unlicenced Alehouse, or that being Licenced, for suffering others to remain tipling in his house, or for swearing, or for driving of Cattle upon a Sunday contrary to the Statute 4 *Jac.* 5. in that case provided, whither the Justices

ces

ice of Peace before whom he was convicted, or any other Justice of the Peace may discharge him of all or part of the forfeiture or punishment appointed by the Statute ?

*Resolu.* The Justices have no such power of mitigation after conviction, where the Statute appoints the measure of the punishment.

11. *Quest.* Whither a Constable may upon a Warrant for carrying one to the House of Correction for keeping an unlicensed Ale-house, upon the second conviction break open the house wherein the party convicted is, to apprehend him, 3 *Car. 1. cap. 3. (4.) § 4. N. 1.* *Constable.*

*Resolu.* This Question is to be advised upon : It is put in general terms and referred to be considered in the particular case when it appeareth.

12. *Quest.* If a Woman unmarried be hired from week to week or from half year to half, or by the year, in one Parish, and there be gotten with Child, and then goeth from thence unto another Parish where she is settled in service by the space of two or three months, and then is discovered that she is with Child, the Question is whether she shall be settled in the Parish where she is begotten with Child, or in the Parish where she was last settled? *Settlement.*

*Resolu.* The place where such a woman was lawfully settled, is the direction in this Case, not where she was begotten with Child.

13. *Quest.* If a Woman Servant unmarried be begotten with Child and then goeth out of her Masters service, before or after it is discovered that she is with Child, and the reputed Father be run away, or is not able to free the Parish, whither the Master may be enforced to provide for her till she be delivered, and for a month after? *Bastard.*

*Resolu.* If the Master hath legally discharged his house of such a Servant he is no more bound to provide for her than for any other.

14. *Quest.* In case a Parish consist part of Ancient Demesne and part of Guildable, and an assessment is made for the relief of the maihemed Soul-diers the Goal, &c. according to 43 *Eliz. 2. § 12. N. 2.* whither the Tenants in Ancient Demesne shall contribute with the Guildable for the payments of the assessment? *Taxes.*

*Resolu.* The Statute doth not distinguish between the Ancient Demesne and the Guildable in those cases, & *ubi lex non distinguit, ibi nec nos distinguimus.*

15. *Quest.* Whither an Indictment of forcible detainer be within 21 *Jac. 8. § 6. N. 1.* and not to be removed by Certiorari, unless the party indicted first find sureties according to the Statute 21 *Jac. 8. § 7. N. 2.* *Certiorari.*

And whither the party indicted be to be bound himself, or may send sureties to be bound in his absence to prosecute according to that Statute 21 *Jac. 8. § 7. N. 2.*

And whither an indictment of forceible entry, &c. found at a private Sessions, and certified to the Quarter Sessions, be to be removed by Certiorari without sureties according to that Statute?

*Resolu.* This is fittest to be left unto the Court of *B. R.* to whose courses and Jurisdiction this is most proper.

16. *Quest.* If one be convicted upon 3 *Car. 1. 1. (2.) § 1. N. 2.* for driving of Cattle on the Sunday throughout several Parishes, whither he shall forfeit 20 *s.* to every of the said Parishes, or only to one, if to one, then to which of them? *Days.*

*Resolu.* 3 *Car. 1. 1. (2.)* Giveth the forfeiture but of one 20 *s.* for one Sabbath day, altho the driving of that day be through divers Parishes, therefore where the Action is first attached and the distress first taken, that Parish shall have the benefit of the forfeiture and not the other.

17. *Quest.* If one who is under thirty years of age, and brought up in *Husbandry.*

Husbandry, or a Maid Servant, or brought up in any of the Arts mentioned in 5 *Eliz.* 4. § 4. *N.* 13. and not enabled according to that Statute to live at his or her own hand, shall be warned by two Justices of Peace to put him or her self in service by a day prescribed by them, and shall not do the same accordingly, but shall after continue living at his or her own hand, what course shall be taken with such a person and how punished?

*Resolu.* Such persons being out of service and not having visible means of their own to maintain themselves without their labor, and refusing to serve as an hired Servant by the year, may be bound over to the next Sessions or Assizes, and to be of the Good-behavior in the mean time, or may be sent to the house of Correction.

*Taxes.*

18. *Quest.* Whither the tax for the relief of the Poor upon 43 *Eliz.* 2. § 12. *N.* 2. shall be made by ability, or occupation of Lands, or both?

And whither the visible ability in the parish where he liveth, or general ability wheresoever?

And whither his Rent received within the Parish where he lives, shall be accounted visible ability, and whither he shall be taxed of them only, and not for any Rents received from another Parish, and what shall be said visible ability?

*Resolu.* The Land within each Parish is to be taxed to the charges in the first place equally and indifferently, but there may be an addition for the personal visible ability of the parishioners within that Parish according to good discretion, wherein if there be any mistaking, the Sessions, &c. or the Justice must Judge between them.

*Estates.*

19. *Quest.* Whither Shops, Salt-pits, Sheds, profits of a market, &c. be taxable to the poor as well as Lands, Cole-mines &c. expressed in 43 *Eliz.* 2. § 1. *N.* 4.

*Resolu.* All things which are real and a yearly Revenue must be taxed to the poor.

*Taxes.*

20. *Quest.* Whither the tax for the County stock, Goal, and House of Correction is to be made 14 *Eliz.* 5. § 37. (2.) *N.* 1. and 43 *Eliz.* 2. § 12. *N.* 1. by ability and upon the Inhabitants of the parish only, or upon them that are occupiers of lands dwelling in that parish, or whither such as occupy lands in that parish and dwell in another parish shall be taxed?

*Resolu.* If the Statute in particular cases give no special direction, it is good discretion to go according to the rate of taxation for the poor, but when the Statutes themselves give direction, follow that.

*Taxes.*

21. *Quest.* Whither any taxes ought to be made for the charges that petty Constables and Borsholders are at in conveying Rogues from Parish to Parish and relieving of them, and how to be rated?

*Resolu.* It is fit to relieve the Constable and Tythingmen in such sort as it hath been used in the several places where they live.

*Women.*

22. *Quest.* Whither a Justice of Peace may discharge a Servant being with Child, from her service, allowing that as a reasonable cause that she is thereby made unable to do the service which otherwise she might have done?

And if he may discharge her, whither that Parish shall provide for her till her delivery, if she cannot provide for her self, and so also if her time be expired before her delivery who shall provide for her after her time ended?

*Resolu.* If a Woman being with Child procure her self to be retained with a Master who knoweth nothing thereof, this is a good cause to discharge her from her service, and if she be gotten with Child during her service it is all one, but the Master in neither case must turn away such a Servant of his own authority.

But



But if her term be ended or she lawfully discharged, the Master is not bound to provide for her, but it is a misfortune fallen upon the Parish, which they must bear as in other cases of casual impotency.

23. *Quest.* Whither one being delivered of a Bastard-Child in one Parish and goeth into another with her Child, and becomes a Vagrant, and so is sent to the place of her birth, her Bastard-Child being under the age of seven years, shall be settled with the Mother and there maintained, if the Mother be not able nor the reputed Father known, or to be found, or whither it shall be sent to the place of its birth, or being settled with the Mother, whither the Parish where it was born, shall be ordered by the two next Justices to pay a weekly sum towards the maintenance of it? *Settlement.*

*Resolu.* The Bastard-Child must be placed with the Mother so long as it is within the Quality or Condition of a Nurse-Child, which shall be till seven years of age, and then it is fit to be sent to the place of its birth to be provided for, the Mother or reputed Father not being able, and the Parish where the Child is born shall not be forced to contribute to the Charge as long as the Mother lives and the Child be under seven year old.

24. *Quest.* A Man with his Wife and Children takes a House in one Parish for a year, and before the end of his Term is unlawfully put out of possession, and after takes part of an House as an Inmate in another Parish, from whence he is also put out, and then not being able to get any dwelling, they come to lie in a Barn in a third Parish, where the Husband falleth sick and the Wife is delivered of another Child, where ought these to be settled? *Bar. & Fem.*

*Resolu.* If a Man or Woman having House or Habitation in one Parish be thrust out, this is an illegal unsettling which the Law forbiddeth, for none must be enforced to turn Vagrant, and such one must be returned to the place where he or she was last lawfully settled, and the Child also born in the time of his distraction.

25. *Quest.* Whither an Apprentice put out by the Church-wardens, &c. according to 43 *Eliz.* 2. § N. to a Master in another Parish, if his Master die and leave no Executor or Administrator, fit to keep an Apprentice, or able to place him, he shall be provided for in the Parish where he was Apprentice or shall be sent back to the Parish from whence he was put out? *Apprentice.*

*Resolu.* Servants and Apprentices are by law settled in that Parish, and if they become Impotent there the Parish must abide the adventure after their term or time of service be lawfully ended.

26. *Quest.* What is accounted a lawful settling in a Parish and what not? *Settlement.*

*Resolu.* This is too too general a Question to receive a perfect answer to every particular case which may happen, but generally this is to be observed, that the Law unsettlth none who are lawfully settled, nor permits it to be done by Practice or Compulsion.

And every one who is settled as a Native-Householder, Sojourner, an Apprentice or Servant for a month at the least, without a Just complaint made to remove him or her, shall be held to be settled.

27. *Quest.* A Rogue is taken at C. and will not Confess the place of his birth, neither doth it appear otherwise, but that he confesseth the last place of his Habitation to be at S. hereupon he is whipped and sent to S. at his coming to S. the place of his birth is there known to be at W. and thereupon the Rogue Confesseth it to be so, whither he might without any more Vagrancy be sent to W? *Rogues.*

*Resolu.* In this case it is fit to send such a Rogue to the place of his birth, for this is but a mis-taking and no legal settling.

28. *Quest.* If an Indictment be preferred to the Grand-Jury of the Quarter Sessions of the Peace, against one for Murder, Man-Slaughter, Robbery, Felony *Justices.*

Felony or Pety Larcency, and *Ignoramus* found thereupon, whither the said Sessions may deliver the party by Proclamation or not?

*Resolu.* Not by Proclamation at all, but for pety Larcencies and other pety Felonies in discretion the Goal may be delivered of them.

*Constable.*

29. *Quest.* If a Constable be chosen and refuseth to take his Oath, what shall be done and whither a Constable may make a Deputy and by what means?

*Resolu.* The refusal or neglect to take an Oath in such a case is a contempt worthy of punishment, and thereupon to Fine and Imprison him.

And the making of a Deputy is rather by toleration than by Law.

*Constable.*

30. *Quest.* If a Constable die or remove out of the Parish where, &c. how is his place to be supplied?

*Resolu.* By the Lord of the Leet, if that time fall neer, otherwise by the Sessions, but if that be too far off, then by the next Justices.

*Constable.*

31. *Quest.* If a Poor weak man be chosen Constable or Tythingman, and be unfit for the place, how may he be removed, and a fit Man sworn in his room?

*Resolu.* The Justices of Peace must help this, and if the Lord of the Leet have power to chuse a Constable or Tythingman, and perform it so ill, it is a just cause to seize is liberty.

*Settlement.*

32. *Quest.* If a Nurse-Child, a Scholar at a Grammar School, or in the University, prove to be Impotent by sickness, Lameness, Lunacy or discovery of Ideocy, how such person shall be disposed?

*Resolu.* A Nurse-Child, or a Scholar at the Grammar School, or at the University, (or persons sent to the Common Goal, Hospital or House of Correction) are not to be esteemed as persons to be settled there, more than Travellers in their Inns, but their settling is where their Parents are settled, or themselves were last settled, (and Children born in Common-Goals and Houses of Correction) their Parent being Prisoners are to be maintained at the charge of the County.

*Taxes.*

33. *Quest.* VVhat proportion shall Parsonages and Tythes bear to the Taxation of the Poor of the Parish?

*Resolu.* The Parson or Vicar presentative shall bear according to the reasonable value of his Parsonage, having consideration to the Just deductions.

*Cottages.*

34. *Quest.* VVhither for placing the Poor of the Parish, not to be removed by consent of the Parish, these Poor men may be placed as Inmates for a time?

*Resolu.* They may by express words of the Statute 43 *Eliz.* 2. § 5. N. 4.

*Taxes.*

35. *Quest.* If a Parishioner or owner within a Parish do bring into the Parish, without the consent of the Parish, a stranger of another Parish, which is or apparently is like to be burthensome unto the Parish, how may they ease themselves?

*Resolu.* By taxing such a one to the charge of the rates of the Poor, not only having respect to his ability or the Land he occupieth, but according to the damage and danger he bringeth to the Parish by his folly.

*Constables.*

36. *Quest.* For warding in the day time, for apprehending of Rogues whither the Constable may not enlarge it to a further time?

*Resolu.* VVarding in the day time is of great use, and must be left to the discretion of the Constables or direction of the Justices to vary according to the occasion.

*Ale.*

37. *Quest.* VVhither Ale-houses ought to be allowed only in thoroughfare Towns, and others in other places to be restrained only to sell to Poor out of doors.

*Resolu.*

*Resolu.* The Justices shall do very well to allow none but in places very fit for their Situation and uses, and to moderate the number.

38. *Quest.* A Man for his quality otherwise fit to be a Constable, or of other Office of that nature, procures himself to be the Kings Servant extraordinary, and by that means would excuse himself to serve in the County?

*Resolu.* A Servant extraordinary may well perform his ordinary service in the County according to his Quality.

DXXXVIII. *West. Simb.* 2. part 127. b. Sect. 194. An Indictment against a Rogue, a Vagabond, and against him which lodgeth and relieveth him, *Supra* 505. in *Pract. Precedents* 82.

Midlesex ff. *J*uratores pro Dom. Rege super Sacrament. suum presentant quod A. B. nuper de C. in Com. prædict. Laborer, ætatis 14 Annorum ac amplius ac corpore sano, valente, potente atque ad laborand. habili existent. nullam autem habens terram, nec ullum Magistrum, nec aliqua utens licita Merchandiza, Arte vel Mystério unde sibi victum parare possit, ac prorsus nesciens rationem reddere quo pacto victum suum legitime acquirat 10 die Augusti, Anno Regni, &c. apud F. *Infra* Hundredum de W. in Com. M. prædict. & multis aliis locis dicti Comitatus hac illac passim vagatus est mendicans ac per W. P. de F. prædict. in dicto Com. M. Yeoman Constabularium dicti Hundredi de W. in quo sita est villa de F. prædict. postea, viz. 11 die dicti mensis Augusti, Anno supradict. apud F. prædict. in Com. prædict. invent. est Vagrans & mendicans, ac per eundem Constabularium tunc Ibidem deprehensus est, Inordinate se gerens tanquam Vagabundus & mendicus valens, contra pacem dicti Dom. Regis ac contra formam diversorum statutorum, &c. inde provisorum & Editorum.

Et ulterius quod G. H. de F. prædict. in Com. prædict. Yeoman sciens præfat. A. B. modo & forma prædictis vagantem & mendicantem eundem tamen A. B. dicto 10 die, &c. Anno supradict. in domo Ipsius G. H. mansionali apud F. prædict. in Com. prædict. Hospitant. ac eidem A. B. tunc & Ibidem panem & potum voluntarie dedit in contemptu dicti Dom. Regis, &c. ac contra form. Statutorum prædict.

DXXXIX. *Practical Precedents* 129, 130. An Indictment against Vagrant selling Linnen-Cloath, 5 & 6 Ed. 6. 21. § N. *Trades.*

Midlesex ff. *J*uratores pro Dom. Rege super Sacrament. suum presentant quod T. M. nuper de paroch. sanct. Buttolph. extra Aldersgate London, existent. ætat. 7 Annorum & Amplius, Leges & Statuta Hujusmodi Regni Angl. parvipendens nec penas in eisdem content. aliquantulum verens, 13 die Sept. Anno Regni, &c. & semper Postea hucusque & adhuc Inhabitans, in parochia prædict. dicto 13 die Sept. Anno supradict. & diversis aliis diebus & vicibus: tam antea quam postea fuit & ad huc est otiosa persona Vagrans & Circumferens cum panno linco Anglice, wandering abroad with Linnen Cloth, *Infra* Com. prædict. & ad tunc dictis aliis diebus & vicibus Ibidem in paroch. St. Mar. Marfellon alias VWhite-Chappel in Com. M. prædict. portans secum & venditioni exponens Angl. offering to sale diversis ligiis & subditis dicti Dom. Regis pannum lineum prædict. ac dicto 13 die Sept. Anno supradict. apud paroch. St. Mariæ Marfellon alias VWhite Chappel prædict. in Com. M. prædict. & diversis aliis locis *Infra* Com. M. prædict. contra leges & Statuta hujus Regni Angl. Circumvagrans Anglice hath wandred abroad, Circumferens Angl. carrying about secum T. M. prædict. & venditioni Exponens pannum lineum prædict. ac in hujusmodi sua Circumvagatione apud paroch. ult. mentionat. & diversos alios locos *Infra* Com. M. prædict. ad tunc & dictis aliis diebus & vicibus illicite callide & subtiliter vendidit & utteravit diversas virgat. panni linei prædict. diversis ligiis,



& subditis dicti Dom. Regis Juratoribus prædict. adhuc Ignot. privat. Domibus suis & non apertis feriis sive mercat. ex Intentione ad Colorand. dictam Circumvagationem suam & ad scapiend. a punitione pro ejus Circumvagatione, & sic Juratores prædict. super Sacrament. suum prædict. dicunt quod prædict. T. M. dicto 13 die Sept. Anno supradict. ac dictis aliis diebus & vicibus apud paroch. Sanctæ Mariæ Marfellon alias VWhite-Chappel prædict. in Com. M. prædict. & dictos alios locos Infra Com. M. prædict. fuit Vagabundus in contemptum dicti Dom. Regis nunc Legumque suarum in malum Exemplum omnium aliorum in hujusmodi casu delinquent. & contra pacem, &c. nec non contra form. Statut. in hujusmodi casu edit. & provisi, &c.

Cottages.

DXL. Præct. Precedents 190. An Indictment for maintenance of Innates.

Mid. ff. **J**Uratores pro Dom. Rege super Sacrament. suum præsentant quod A. B. nuper de parochia Sancti Sepulchri in Com. Middlesex Bricklayer 15 die Maij Anno Regni, &c. Existens proprietor cujusd. Tenement. apud paroch. prædict. in Com. prædict. dictum Tenement. in Quatuor separalia Tenement. pro Inhabitatione ad tunc & ibidem divisit & conversit, & quod prædictus A. B. separales subtenents cum Familiis in dictis Tenement. per Ipsum sic ut præfertur divisit & conversis cohabitare Ibidem voluntarie locavit dictosque separales subtenentes cum Familiis suis a prædict. 15 die Maij Anno supradict. usque diem captionis hujus Inquisitionis in dicto Tenement. per prædict. A. B. sic ut præfertur divisit & conversis cohabitare & commorari promisit in magnum periculum inficiend. inhabitant. ibidem cum pestilentia & aliis morbis contagiis ac ad depauperationem parochiarum paroch. prædict. & ad parochiam istam cum multitudine pauperum onerand. ad Commune nocument. omnium ligeorum & subditorum dicti Dom. Regis Ibidem Commorant. nec non contra pacem dicti Dom. Regis nunc Coronam & dignitatem suas, &c.

## P O P E.

Recusants, Provifers, Rome, Crucifix, Jesuits, Agnus Dei, Absolution, Bulls  
Seminaries, Priests, Premunire.

Commission.

1. **T**HE form of a Commission into the County of Middlesex on 1 Eliz. 1. § 19. N. 3. and 5 Eliz. 1. § 7. N. 1 and 3 Jac. 4. § 13. N. 2. for Administring the Oaths of Supremacy and Allegiance to Popish Recusants or so reputed.

**C**AROLUS secund. Dei. Gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ, Rex, fidei Defensor, &c. Omnibus & singul. Custodib. Pacis Com. Mid. Salutem. Sciatis quod dedimus vob. & aliquibus duob. vel plurib. vestrum Potestatem & Authoritatem requirendi & recipiendi Sacrament. Communiter vocat. the Oath of Supremacy, specificat. in quodam Statuto Anno Regni Dom. Elizabeth nuper Reginæ Angliæ. primo fact. Ac etiam Sacrament. Vulgarit. vocat. the Oath of Obedience, specificat. in quodam alio Statuto Anno Regni Dom. Jacobi nuper Regis Angliæ tertio fact. \* de A. B. C. D. &c. subditis nostris Romanæ Superstitionis sectatorib. sive tal. reputat. Anglice Popish Recusants or so required, de quib. sepealia Sacram. prædict. vigore Statuto prædict. ac virtute hujus vestræ Commissionis ullo modo respective requirunt. & recipiant. in aliquo loco in dicto Com. Middlesex, qui sit infra decem Milliaria a Civitatibus nostris London,

\* Quid de omnibus & singulis.

don, vel VWestminster Comorantib. & ideo vob. firmiter mandam. quod in & circa premissa respective diligenter intendatis. In Cujus rei Testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westminster Septimo die Novembris Anno Regni nostri tricesimo.

B A R K E R.

2. Note that in one *Englefields* Case on an Indictment of Premunire for refusal to take the Oath of Supremacy in *Pasch. 33 Car. 2.* in B. R. upon a special Verdict out of *Berks.* on the like Commission it was adjudged good *de omnibus & singulis* generally on 1 *Eliz. 1. § 19. N. 3. &c.*

II. At the Court at *White-Hall, Jan. 17. Anno 1678, &c.* There having been lately presented by the Justices of the Peace, six Queries to His Majesty in Council, viz. 1. Whether Foreigners (Popish Recusants) that are and have long been here settled House-Keepers, and are Tradesmen, viz. Chirurgions, Taylors, Perywig-makers, or Ordinary Shop-Keepers following Employments for their own advantage, but not otherwise Merchants, but are certified to be Merchant Strangers, shall be excused from taking the Oaths, or finding sureties or either of them.

*Alien.*

2. Whether such Foreigners being certified by Ambassadors or other Foreign Ministers to be their Servants at this time, shall be excused.

3. Whether Foreigners (Popish Recusants) settled here, House-Keepers, but neither are Tradesmen, Travellers or Foreign Ministers Servants, shall be excused.

4. Whether native Subjects of our Sovereign Lord, that are Menial Servants of Foreign Ministers, shall be excused.

5. Whether Married Women being Popish Recusants, but their Husbands Protestants, shall be excused.

6. Whether Popish Recusants that have taken the Oaths, found sureties have appeared and are convicted shall find new Sureties or be continued over.

And His Majesty having from the Judges to whom the same were referred, received answer in writing, in the words following,

May it please your Majesty, we have met and considered of the Questions proposed to us, and do hereby humbly return our opinions; To the first we are of opinion, 1. That Foreigners being Popish Recusants and exercising ordinary Trades (but not Merchants) are not excused from taking the Oaths or finding securities.

2. To the second, that Foreigners tho certified by Ambassadors to be their Servants, except they are their Menial Servants, are not excused.

3. To the third, that Foreigners, tho settled House-Keepers, being no Travellers, or foreign Ministers Servants, are not excused.

4. To the fourth, that the Kings Native Subjects are not excused from taking the Oaths by being Menial Servants to Foreign Ministers.

5. To the fifth, we find no law that excuseth a Feme-Covet being a Papist, from taking the Oaths, tho her Husband be a Protestant.

6. To the sixth that a Popish Recusant having taken the Oaths is not bound to find new sureties, unless upon a new tender of the Oaths he shall refuse to take them.

All which with great humility we submit to your Majesties Judgment.

William Scroggs, Ch. J. B. R.

Fran. North, Ch. J. C. B.

Will. Mountague, Ch. Baron.

Robert Atkins, C. B.

V. Bertje Esch. or C. B.

Fra. Bramston, Esch.

Will. Wild, B. R.

Tim. Littleton, Esch.

Hugh Windham, C. B.

Tho. Jones, B. R.

Will. Dolben, B. R.

M m m m

His

His Majesty is Graciously pleased to approve the said report and opinion of his Judges, and did this day order, as it is hereby ordered accordingly, that the Justices of the Peace in their respective Precincts, do in Execution of their duties touching the particulars there mentioned, take notice of the same, and conform themselves thereunto, and this order is to be sent to the *Custos Rotulorum* of Each County, that he may give information of the same, see 3 Jac. 5. § 5. N. 1. *Infra*. 219.

R. Southwel.

Days.

III. *The Laws, &c.* 13. 14. *Alr.* 7. The half year here mentioned 1 *Eliz.* 1. § 31. N. 2. is not to be understood of six months (as *Wingate* Crown 10 mistakes,) which is in Law to be accounted *secundum numerum singulorum dierum*, allowing twenty eight days to every month, and not according to the solar month, nor according to the Kalendar, unless it be on 13 *Ed.* 1. W. 2 cap. 5. § N. for the lapse in *Quare Impedit*, and by 2 & 3 *Ed.* 6. 13. § N. of proving a suggestion 1 *Inst.* 135. and 2 *Crook* 166, 167. B. of *Peterborough* verf. *Catesby*, *Telcorton* 100. *Catesby* verf. *Baker*, and *Hob.* 179. *Coply* against *Collins*. But the half year in 1 *Eliz.* 1. § 31. N. 2. is to be understood according to the Kalendar *Infra* pl. 65.

Process.

IV. *The Laws, &c.* 14. *Alr.* 8. Sir *Edw. Coke* 4 *Inst.* 331. in his Construction of 1 *Eliz.* 1. § 31. N. 2. saith, that no persons shall be impeached for any of the offences by preaching, teaching, or words, unless they be lawfully indicted within the space of half a year, but yet it seemeth, that the words of the Statute will not bear such a Construction, neither if they did, is it Law at this day, nor was then when the Institutes were wrote.

1. For that 1 *Eliz.* 1. § 31. N. 2. refers only to the Case of Imprisonment, that where the Offender by preaching, teaching, or words is Imprisoned, and is not Indicted within half a year after the offence committed, he shall be set at liberty and shall be no longer detained in prison for any such cause or offence, and this was done in favour of liberty, and to prevent a long Imprisonment upon a malicious and groundless accusation; but there is no colour to extend the words to the Offender, who was never Imprisoned, altho the offence was by preaching, teaching, or words only.

2. Put the Case, that an Offender by preaching, teaching, or words, had been Imprisoned within the half year, yet it seems very questionable, whether at the half years end, when he was set at liberty (as he ought to be by 1 *Eliz.* 1. § 31. N. 2. if he be not in the mean time indicted) he should have been clearly discharged by this Act from any prosecution, during the half year then next following, for altho it be said (he shall be no longer detained in prison for any such cause or offence) yet that seems to refer only to his Imprisonment before Conviction, and (*detained*) imports as much, viz. that he should not be continued or remain in the same Imprisonment, which he suffered within the first half year, before any Indictment was found against him, but not that he should not be indicted afterwards, within the compass of the year, and if found guilty, suffer the Imprisonment and other penalties inflicted by this Act; and it might so have happened, that an offender by preaching, teaching, or words, might have been accused, taken, and Imprisoned a day or two before the half year next after the offence expired, in which Case it cannot be thought to be the meaning of the makers of the Law, that by his Imprisonment for a day or two he should escape the penalties of the Law, and could not be afterwards indicted within the compass of the year, and yet in that Case he ought to be set at liberty by the express words of the Act, which saith (*he shall be set at liberty if not indicted within half a year after the offence*) and not half a year after his Imprisonment.

3. It



3. It seems now to be out of doubt, but that any Offender against 1 *Eliz.* 1. altho by preaching, teaching, or words, may be Indicted at any time within a year and a day after the offence committed, and that by 23 *Eliz.* 1. § 8. N. 1. which saith, that all offences against 1 *Eliz.* 1. and 5 *Eliz.* 1. and 13 *Eliz.* 2. touching acknowledgment of Her Majesties Supream Government in Causes Ecclesiastical, shall and may be inquirable within a year and a day after the offence committed, and the affirming or maintaining the Spiritual or Ecclesiastical Jurisdiction of a Foreigner was without question an offence against Her Majesties Supream Government in Causes Ecclesiastical, and against the acknowledgment thereof, so that the year limited by 23 *Eliz.* 1. § 8. N. 1. is now extended to a day further: and whatever the meaning of it was as to the half year, all offences against it, whether by preaching, teaching, or words, or otherwise (for 23 *Eliz.* 1. § 8. N. 1. is general, and reaches all offences whatsoever against 1 *Eliz.* 1. touching the Supremacy Ecclesiastical) may now be enquired of within a year and a day, whether the party be in prison or not, but yet it seemeth, that in Case of Imprisonment within the first half year this provision 1 *Eliz.* 1. § 31. N. 2. for the setting at liberty of the Prisoner at the end thereof, if he be not before that time indicted, remains still in force, and is not abrogated by 23 *Eliz.* 1. § 8. N. 1.

V. *The Laws, &c.* 16. *Abr.* 9. The provision made in 1 *Eliz.* 1. § 34. *Dignity.* N. 1. and other Acts of Parliament for the Tryal of a Peer by his Peers in case of Treason, where he was to be tryed by the Course of the Common Law, is *ex abundanti*, and he should have such tryal if no such provision were inserted, the like in the case of Felony, *Stamf. Coron.* 159.

VI. *Lambert* 2. *cap.* 7. *pag.* 227. Justices of Peace cannot deal with Tray- *Treason.* tors in the point of Treason, but as Breakers of the Peace, saving that in some Cases they have a special power to inquire and receive Indictments only, and of this sort are, 1. Treason of extolling Foreign power by 1 *Eliz.* 1. § 27. N. 1.

2. The Treason of absolving or withdrawing his Majesties Subjects from their Natural Obedience, by 23 *Eliz.* 1. § 2. N. 1. &c.

And 3. The Treason of putting in ure any Instrument of Reconciliation gotten from the See of Rome, by 13 *Eliz.* 2. § 2. N. 1.

VII. *Lambert* 56. There hath been care taken once or twice in our memory *Oath.* to exact this Oath of Supremacy, 1 *Eliz.* 1. § 19. N. 4. of all the Justices of the Peace throughout the Realm, whereof some good hath ensued; but yet many a Justice there is, that by indirect practice, never took either this or the Oath of Officers, whereof what harms do or may grow, I leave to wiser and higher Men to be considered, adding this only, that it would avail greatly to the furtherance of the service, if the *Dedimus Potestatem* to give these Oaths were dirigible to the Justices, and none other to Minister the same, not elsewhere, but in their open Session.

VIII. *Crompt.* 10. *b.* Every Justice of Peace before he takes upon him to *Justices.* exercise or occupy the Office of a Justice of Peace shall take the Oath of Supremacy, 1 *Eliz.* 1. § 19. N. 4.

IX. *Crompt.* 11. *Nota,* That the Justices of Peace ought to take this Oath *Sessions.* of Supremacy in the open Court of Sessions, where he serves, by 5 *Eliz.* 1. § 15. N. 1. and I have seen it done at the Affizes in the County of *Stafford*, and its the best way to be so done, for where on 5 *Eliz.* 1. § 7. N. 1. a Commission is made to take their Oaths, when they are made Justices of Peace, it may be that the Commissioner will return, that he hath taken his Oath, when he hath not done so in fact, if he that be to be sworn be such a one, as is not well affected to the Religion now established.

X. *Crompt.* 12. Charge in Sessions. First to enquire if any within this year *Religion,* and

and day hath depraved, despised or Contemned the Sacrament of the body and blood of our Saviour Jesus Christ, in contempt thereof by any contemptuous words, or by any words of depraving, despising, or advisedly hath in any other manner contemned, despised, or reviled the said Sacrament contrary to the Edicts and Declarations heretofore, &c. 1 Ed. 6. 1. §

N. 1 Eliz. 2. § N. and 23 Eliz. 1. § N.

Indictment.

XI. *The Laws, &c.* 22. Abr. 17. One indicted on 1 Eliz. 2. § 5. N. 1. for Administring Baptism in other form than is thereby prescribed, and is convicted, and afterwards is again indicted for the like offence, 1 Leon. 295. pl. 403. by the opinion of *Clench* Justice in B. R. the second Indictment must mention the first Conviction, or the Judgment cannot be for the second offence, viz. Imprisonment for a year, and deprivation: But *Wray* Chief Justice held, that if both Indictments were before the same Justices, they are to take notice of the first Conviction, altho it be not mentioned in the second Indictment, and ought to give Judgment accordingly; but if the second Indictment be taken by other Justices, then without mention therein of the first Conviction, they cannot give Judgment for the second offence.

Bar. & Fem.

XII. *The Laws, &c.* 24. Abr. 18. A Feme Covert is within the meaning of (1 Eliz. 2. § 9. N. 1. any person, &c.) and shall be liable to the penalties thereby inflicted, Hob. 97. *Moor* versus *Huffey*. Dyer 203. pl. Sir *Edward Walgrave's* Case.

Religion.

XIII. *The Laws, &c.* 24. Abr. 20. The hearing of Mass is a maintaining within 1 Eliz. 2. § 9. N. 2. and the person hearing is indictable thereupon, Hob. 97. Dyer 203. and 323. pl. *Fermors* Case.

Indictment.

XIV. *The Laws, &c.* 25. Abr. 21. The Offender in any of these Cases, (viz. 1 Eliz. 2. § 10. N. 1. and § 11. N. 1.) cannot be punished for the second offence before he be adjudged for the first, and that second offence must be committed after the Judgment given for the first; nor for the third offence before he be adjudged for the second, and that third must be committed after the Judgment for the second, for *quod non apparet non est, & non apparet Judicialiter ante Judicium*, 2 Inst. 479. Dyer 323. pl.

Bar. & Fem.

XV. *The Laws, &c.* 26. A Feme Covert is within this Statute (1 Eliz. 2. § 14. N. 1. all and every person, &c.) and shall forfeit 12 d. if she repair not to Church every Sunday and Holyday 11 Cook 61. Dr. *Fosters* Case 1 Rol. 93. 3 Bulstr. 87. pl. *Dominus Rex & Law*, Hob. 97.

Alibi.

XVI. *The Laws, &c.* 26. Abr. 24. In an Indictment upon 1 Eliz. 2. § 14. N. 1. It need not be averred that the Offender is an Inhabitant within this Realm, &c. for if he be not, that ought to come on the other side, *Godbolt* 148. pl. 191. An. *Mannoeks* Case.

Absentment.

XVII. *The Laws, &c.* 26. 27. Abr. 25. Nor need it be averred in such Indictment on 1 Eliz. 2. § 14. N. 1. that the party had no lawful or reasonable excuse to be absent, but that ought likewise to come on the other side. 2 Leonard 5. pl. 6 Eliz. *Dormers* Case. Note, that these words *having no lawful or reasonable excuse*, &c. are by mistake in that Case supposed to be in 23 Eliz. 1.

Justices.

XVIII. *The Laws, &c.* 30. Abr. 30. These words *in like manner and form*, in 1 Eliz. 2. § 22. N. 1. appoint in what manner the offences shall be enquired of, heard, and determined by Mayors and Head Officers of Corporations, &c. By Indictment, for so (*inquire*) imports, and tryal and verdict of twelve men, or such other legal proceedings upon the said Indictment, as are used by the Justices of Oyer and Terminer, and Assizes in their general Sessions: For the Mayor or Head Officer is not left by this Act to his own Arbitrary Will or Discretion in the hearing and determining the offence, but must proceed according to the rules and forms of Law in the Conviction of the offender

2. And 1 Eliz. 2. § 22. N. 1. Saith (to which Justices of Assize do not commonly repair) so that the Mayor or head Officer of such places were only intended in the Lieu and Room of Justices of Assize, and are therefore to proceed by the same Rules, as they do in the Counties at large.

3. But these words 1 Eliz. 2. § 22. N. 1. extend not to the point of time *Days.* limited for Indicting such offender, nor are Mayors and Head-Officers tyed to their next Sessions, as the Justices of Oyer and Determiner, and of Assize are, as *Wing. Tit. Service and Sacraments, N. 26.* mistakes; for (in like manner and form) is intended in such respects only where it is not otherwise provided for by the Statute, but it is expressly provided here 1 Eliz. 2. § 22. N. 1. that Mayors, and Head Officers of Corporations shall inquire of these offences only twice in the year (*viz. within fifteen days after Easter and Michaelmas*) and not at their general Sessions, unless it happen to be the Sessions after one of those two Feasts.

Nor can the Arch-Bishop, or Bishop by 1 Eliz. 2. § 18. N. 1. Associate himself in this Case to any Mayor or Head Officer of a Corporation, as *Wing. tit. Service and Sacraments, N. 25.* mistakes.

XIX. *The Laws, &c. 37. Abr. 35.* By Presentment here 5 Eliz. 1. § 3. N. *Indictment.* 2. is to be understood, not only that which is properly so called, which the Jurors find and present to the Court, without any former Indictment delivered to them: but also an Indictment, which is drawn and engrossed in form of Law, and delivered to the Jurors to be inquired of, which Indictment, the Justices here named have power to take, by force of the word Inquire, 5 Eliz. 1. § 4. N. 1. and is included within the word presentment, 5 Eliz. 1. § 3. N. 2. being a species of it, for every Indictment found by the Jurors is a presentment, and the Record saith *Juratores, &c. presentant, &c.* when they find an Indictment, but every presentment is not an Indictment, 2 *Inst. 739.* and as well the one as the other, touching the offences aforesaid, must be certified in *B. R. infra 72.*

XX. *The Laws, &c. 41. Abr. 41.* It is not necessary on 5 Eliz. 1. § 9. N. 1. *Certificate.* that it be mentioned of Record in *B. R.* how or by whom the Certificate was brought in thither, and in *Bonners Case, Dyer 234. pl.* where the Bishop of Winchester certified the refusal of this Oath of Supremacy, and Exception was taken, that the Certificate was entred to be brought into Court per *A. B. Cancellarium dicti Episcopi*, but not per *mandatum Episcopi*, and the Exception was disallowed for that reason.

XXI. *The Laws, &c. 41. Abr. 42.* And on 5 Eliz. 1. § 9. N. 3. a Jury of the County where the Kings Bench is, can do no more in this Case than inquire, that is, indict the party refusing the Oath, unless where the refusal is in the same County. *Inquest.*

2. *Horn* Bishop of Winchester tendered this Oath in *Surrey*, parcel of his Diocese, to *Bonner* then late Bishop of *London*, who refused to take it, and this was Certified by the Bishop of Winchester into *B. R.* then sitting at *Westminster* in the County of *Middlesex*, where *Bonner* was Indicted by a Jury of that County, according to this Act, 5 Eliz. 1. § 9. N. 3. the question was, by what County he should be tried, whether by a Jury of *Middlesex*, where the Indictment was taken, or by a Jury of *Surrey*, where the Offence was committed, and it was resolved, that he should be tryed by a Jury of *Surrey*, for 5 Eliz. 1. § 9. N. 3. extendeth to the Indictment only, and leaveth the tryal to the Common-Law, which appoints it to be where the Offence was committed, for regularly by the Common Law, *debet quis Juris subiacere ubi deliquit*, 6 and 7 *Edw. 6. Dyer 234. 3 Inst. 34.*

XXII. *The Laws, &c. 44. Abr. 45.* Altho by this act 5 Eliz. 1. § 17. N. *Previledges.* 1. no temporal person, of or above the degree of a Baron is compellable to take this Oath, yet if he be made a Justice of Peace he ought to take it by force of



Intendment.

of 1 Eliz. 1. § 19. N. 1. *Jones* 152, 153. the Earl of *Lincolnes* Case.

XXIII. *The Laws*, &c. 52. 53. *Abr.* 55. Upon 13 Eliz. 2. § 7. N. 3. The intent is material in this Case, and therefore if a man be Indicted upon the Statute for bringing in and offering or delivering such *Agnus Dei*, &c. or receiving the same, the intent must be mentioned in the Indictment as it must be in Indictments upon all Statutes where the intent as here is made part of the offence, so in an Indictment upon 5 & 6 Ed. 6. 4. § 3. N. 1. It is not enough to say the party drew his Dagger in the Church against I. S. but it must be averred that he did it with an intent to strike him, as was resolved by the Court of B. R. *Trim.* 33 Eliz. in *Penhalls* Case, 4 *Leonard* 49. pl. 127.

It seemeth by the words of 13 Eliz. 2. § 7. N. 3. That to make the Receiver of such superstitious things an offender within it, there must be a Concurrence of intentions, for the using or wearing them both in the giver and receiver, and that therefore if a person coming from beyond the Seas brings into this Realm any such superstitious things, but with no intent they should be worn or used, and gives them to his friend, at his request, who receives them with an intent to wear or use them, this is penal to neither.

Not to the giver, for he had no superstitious intent, and the intent is material; nor to the receiver, for that the offering or delivering them to be worn or used, is expressly made in the Statute 13 Eliz. 2. § 7. N. 2. a Condition precedent to the obliquity of the fact in receiving them; for the Statute 13 Eliz. 2. § 7. N. 3. saith, then as well the person so doing as also every other person receiving them to that intent shall incur a *Premunire*, so that then only when the person delivering them, so doth, that is delivers them to be worn or used, the person receiving them to that intent shall incur a *Premunire*.

But yet there needs not any such concurrence of intentions in the giver and receiver to make the giver an offender, and therefore if a man brings into the Realm such superstitious things and delivers them to be worn or used, tho the party receive them not to the intent to use or wear them, but defaces, burns or otherwise destroyes, yet he that gave or delivered them incurs a *Premunire*, for the words in the Act 13 Eliz. 2. § 7. N. 2. relating to the offerer or deliverer are intire in themselves and have no dependence on the subsequent words 13 Eliz. 2. § 7. N. 3. relating to the receiver, but generally make all offenders who bring them in, and either offer or deliver them to a superstitious intent, without any respect to the intent of the party who receives or is offered them.

Justices.

XXIV. *The Laws*, &c. 54. *Abr.* 56. Upon 13 Eliz. 2. § 8. N. 1. If the person to whom such *Agnus Dei*, &c. is offered, do bring the offender to any Justice of Peace of the County where the offer is made, altho he be not the next Justice, yet it is good enough, and satisfieth the intent of this Act, for the word (*next*) is put in such cases into Acts of Parliament but for conveniency and the more speedy Execution of Justice, *Styles*, 246. pl. *Maine* and *Sergeants* Case.

Justices.

XXV. *The Laws*, &c. 54. *Abr.* 57. The Statute 13 Eliz. 2. § 8. N. 1. provides for the discovery of the offender in order to his punishment in three Cases, 1. If any such superstitious things be offered and the party be able to apprehend him that offers it, he must bring him to the next Justice of Peace of the County where the offer is made.

2. But if he cannot apprehend him, he is to disclose his name and place of abode or resort to the ordinary of that Diocess, or a Justice of Peace of that County, where the person to whom the offer was made is resident, and that within three days after such offer made.

3. But 13 Eliz. 2. § 8. N. 2. If he receives the thing offered, then he is not to apply to the Ordinary, but is strictly tyed to deliver it within a day after,

after to some Justice of Peace of that County, where he who received it shall then be Resident or happen to be, and in this last Case, if he receives it with an intent to use or wear it, and keeps it above a day, or delivers it to any other person or Justice of Peace, of any other County, he incurs a *Premunire*.

But these Justices of Peace are strangely confounded, as well in *Dalt.* 229. cap. 89. *tit.* high Treason, as in *Wingate, Crown*, 37. *Lambert* 194. 195.

XXVI. *The Laws*, &c. 56. *Abr.* 58. Upon 13 *Eliz.* 2. § 10. N. 1. (*As is aforesaid*) *Certificata* So that if the offence be not declared, as is aforesaid, that is, to such Justice of Peace as is appointed in 13 *Eliz.* 2. § 8. N. 1. but it shall be declared to any other Justice of Peace of a wrong County, that other Justice of Peace shall not incur a *Premunire*, if he doth not signify or declare it to a Privy Counsellor.

Here 13 *Eliz.* 2. § 10. N. 1. 'Tis plain that any one Privy Counsellor sufficeth, and the Justice of Peace is not bound to signify the offence to the Privy Council, as *Wingate Crown* 178: misrecites the Statute.

XXVII. *The Laws*, &c. 60. *Abr.* 61. Upon 23 *Eliz.* 1. § 5. N. 1. *Moor Infant.* 606. pl. 838. Talbot was Indicted, *quod existens aetatis 16 annorum & amplius non accessit ad Ecclesiam, &c.* The question was, whether the *Existens, &c.* Should refer to the time of his Indictment or to the time of his absence. And the Judges conceived that the Indictment was well enough and pursuant to the Statute, and that *Existens* should in this Case referre to the time of his absence.

XXVIII. *The Laws*, &c. 60. *Abr.* 62. Upon 23 *Eliz.* 1. § 5. N. 1. This offence (*Not repair, &c. but forbear, &c.*) consists not in committing but in omitting, and is but a nonfeasance, and therefore cannot be said to be in any certain place, and for this reason in a popular action brought by the Informer, *qui tam, &c.* there needs no place be alledged in the Declaration, *Anderson*, 139. pl. 109. *Cuff* against *Vachel*. *Lien.*

Nor is Recusancy within 31 *Eliz.* 5. § 2. N. 1. which saith that the offence shall be laid in the proper County where it was done or committed, for to speak properly it was not committed any where, *Hobart* 251. pl. *Grimstone versus Molineux. infra*, 79. § 6.

XXIX. *The Laws*, &c. 60, 61. *Abr.* 63. By this *Being thereof lawfully convicted*, 23 *Eliz.* 1. § 5. N. 1. Is not meant that the party must be Convicted in some former suit, but a Conviction upon the same Indictment or Information which is brought against him, for the recovery of the 20 *l.* per month is sufficient conviction within the meaning of this Statute: And so are all penal Statutes which have in them those words (being thereof lawfully Convicted) to be understood, that is of a conviction in the same sute whereupon the penalty is to be recovered, for the meaning only is that the offender shall forfeit nothing before Conviction, which is no more than the Law implyeth, and therefore in truth these words are but surplusage, and might as well have been omitted, 11 *Co.* 59. & 1 *Rolls* 90. pl. 41. *Dr. Fosters Case*, and 1 *Rolls* 204. pl. 6. and 3 *Bulstrode* 87. the King against *Lane*. *Proof.*

2. Nor is Conviction intended here 23 *Eliz.* 1. § 5. N. 1. only of a Conviction by Verdict, and therefore if the offender be Convicted upon his confession of the Fact and Judgment thereupon be had, and consequently if Judgment be had against him upon a demurrer, which is a Confession of the matter of Fact, or if Judgment be given against him on *nihil dicit*, for any other Cause, any of these are sufficient Convictions whereupon to recover his penalty; for Convicted is here 23 *Eliz.* 1. § 5. N. 1. to be taken for attained, as 'tis in many other Cases, for until Judgment he shall forfeit nothing, and altho he that is Convicted is not therefore attained, yet every one

one who is attainted or adjudged is Convicted, and of such a Conviction is this Statute to be understood *infra* 233.

Good behav-  
rior.

XXX. *The Laws, &c.* 63, 64. Upon the words, *Be bound.* in 23 *Eliz.* 1. § 5. N. 2. Some have made a question, and among them Mr. *Shephard* in his *Sure Guide*, cap. 6. Sect. 5. by whom or in what Court the Recusant shall be bound to the good behavior by force of this Statute, for that the Court is not expressly mentioned, and *Wingate Crown* 44. hath stumbled upon a conceit that after Certificate made in B. R. a Justice of Assize, Goal delivery, or Peace shall bind the party to the good behavior, and misrecites the Statute accordingly, but it seemeth the intention of the Law makers was that he should be bound in B. R. and of that opinion is *Dalt.* 192. § 5. cap. 75. tit. good behaviour.

2. For where any proceedings are appointed to be upon or after a Certificate sent to any Court, there by Common intendment the proceedings are to be in that Court to whom the Certificate is sent, if no other Court be named, and it cannot be presumed by any reasonable construction of 23 *Eliz.* 1. § 5. N. 2. That the Certificate into B. R. is to any other end than for the Justices there to proceed in such manner as the Act directs to be done after such Certificate, as no question they may in this Case as well as upon Certificate of a presentment or of refusal of the Oath of Supremacy against 5 *Eliz.* 1. § 5. N. 10. *Supra* 39. and tis a rule in Construction of Statutes, that where the intention plainly appears, the Law ought to be advanced according to its end, tho the words be short and imperfect, especially Laws made for Religion, as is held *Hob.* 157. and 11 *Co.* in *Magdalen Colledge* Case and 2 *Bulstrode* 155.

3. Popish Recusants Convicted are not to be reputed sufficient sureties within 23 *Eliz.* 1. § 5. N. 2. and therefore were refused by the Court of B. R. in the Case of *Griffith.* 2 *Bulstrode* 155.

XXXI. *The Laws, &c.* 64. An Usher or assistant in teaching is a Master in the School and seemeth to be included within the word School-Master, 23 *Eliz.* 1. § 6. N. 1. and the following words here (or teacher) explain who is intended (*viz.*) Every teacher of youth 23 *Eliz.* 1. § 7. N. 2.

Scholars.

XXXII. *The Laws, &c.* 65. 66. *Abv.* 69. This limitation of time within one year and day 23 *Eliz.* 1. § 8. N. 1. Extends not to any offence made Treason by 23 *Eliz.* 1. but only to such offences mentioned in this Act or 1 *Eliz.* 1. 2. and 5 *Eliz.* 1. and 13 *Eliz.* 2. as concern the Kings Supremacy in Causes Ecclesiastical, the service of God, coming to Church, or Establishment of Religion.

2. And for those touching Religion 23 *Eliz.* 1. § 8. N. 1. enlargeth the time limited by 1 *Eliz.* 2. § 20. N. 1. which saith the party must be Indicted the next Sessions or 1 *Eliz.* 2. § 22. N. 1. If in a Corporation within fifteen dayes after Easter or Michaelmas: for now he may be Indicted at any time within the year and day.

3. But for absolving or withdrawing, or for being absolved, withdrawn or reconciled, which are 23 *Eliz.* 1. § 2. N. 1. made Treason, no time is limited for the prosecution, but the offender may be Indicted at any time after the year and day, for the latter part of 23 *Eliz.* 1. § 8. N. 2. Speaks of those offences of Treason which the Justices of Peace cannot hear and determine, and there no time is limited, altho there be in the former part 23 *Eliz.* 1. § 8. N. 1. for those offences which are inquirable by Justices of Peace 1 *Leonard* 238. pl. 322. *Guilford's* Case.

Justices.

XXXIII. *The Laws, &c.* 66. 67. *Abv.* 70. Upon 23 *Eliz.* 1. § 9. N. 1. The Justices of the Court of B. R. are the Sovereign Justices of Oyer and Terminer, and Goal-delivery 9 *Co.* 118. Lord *Sanchers* Case, and therefore may enquire of, hear and determine the offences against this Act, altho they be not here especially named.

2. If



2. If an Indictment be preferred upon this Statute 23 *Eliz.* 1. § 9. N. 1. before Justices of *Oyer* and *Terminer*, or of *Affize*, for any offence not made Treason or misprision, and there is an Indictment before Justices of Peace likewise for the same offence, the Judgment of the Justices who do first enquire, hear and determine the same, shall stand, and the Judgment given by the other shall be void, as was held in the like Case. 2 *Inst.* 739. Upon 31 *Eliz.* 7. § N. of Inmates.

3. The power here given 23 *Eliz.* 1. § 9. N. 2. The Justices of Peace in their open Quarter Sessions to hear and determine the offence of not coming to Church is in force at this day, notwithstanding 29 *Eliz.* 6. § 2. N. 2. which saith that every Conviction for not coming to Church shall be in *B. R.* or at the *Affizes* or general Goal-delivery, and not elsewhere; for 3 *Jac.* 4. § 7. N. 1. hath given power to Justices of Peace in their general or Quarter Sessions to enquire, hear and determine of all offences for not coming to Church according to former Laws in such manner as the Justices of *Affize* and Goal delivery might do by former Laws in the Case of Recusancy for not repairing to Church, which is clearly a reviver of the power of Justices of Peace given to them by 23 *Eliz.* 1. § 9. N. 2. to proceed against Recusants, and taken from them by 29 *Eliz.* 6. § 2. N. 2.

4. Nor doth that following Clause 3 *Jac.* 4. § 7. N. 2. Touching Conviction by Proclamation impeach this, or restrain the Justices of Peace to proceed to Conviction upon Proclamation only and default of appearance, no more than the Justices of *Affize* or goal-delivery are restrained thereby or by 29 *Eliz.* 6. § 2. N. 5. which gives them likewise Authority to proceed by Proclamation.

5. For these Clauses of 3 *Jac.* 4. § 7. N. 1. 2. are in the Affirmative, *viz.* first that the Justices of Peace shall have power to hear and determine the offence of not coming to Church according to Laws in such manner as Justices of *Affize* and Goal-delivery might do, and those Justices might hear and determine that offence according to this Statute 23 *Eliz.* 1. § 9. N. 1. and then comes the next Clause of 3 *Jac.* 4. § 7. N. 2. that the Justices of Peace shall have power to Convict by Proclamation which is purely affirmative also, and therefore abrogates no part of the power given them by the former Clause of 3 *Jac.* 4. § 7. N. 1. and this agrees with what Sir *Edward Coke* saith 12 *Co.* 13. that if a man be Indicted for Recusancy at the *Affizes* or Sessions of the Peace, the Court may waive the proceedings by Proclamation upon 3 *Jac.* 4. § 7. N. 2. And may still if they please proceed against the party by process upon this Statute 23 *Eliz.* 1. § 9. N. 2. in which Case the process must be by *Venire facias*, *capias*, &c. As in Indictments of Trespass, and if saith he the party be fugitive in another County, the Indictment may be removed in *B. R.* and then process may be there made out against him into any County of *England*.

XXXIV. *The Laws*, &c. 67. *Abr.* 71. Upon 23 *Eliz.* 1. § 9. N. 2. by Quarter Justices, Session, is intended here only the Sessions of the Peace, held at four times of the year and not any other, altho it be a general Sessions.

2. And therefore the Justices of Peace in *London* who hold a Sessions every month cannot take Indictments upon this Statute 23 *Eliz.* 1. § 9. N. 2. at any of them, unless it be the Quarter Sessions: For that their Authority is given them only at a certain time, as was resolved upon 5 *Eliz.* 9. § 9. N. 1. in the like Case, *Mich.* 17. *Jac.* *B. R.* *Palmer* 44. *pl. Taylors* Case.

3. And 3 *Jac.* 4. § 7. N. 1. which gives Justices of Peace power to take Indictments of Recusancy at their general or Quarter Sessions, for so the word (said) there imports, having reference to the general or Quarter Sessions mentioned before 3 *Jac.* 4. § 4. N. 2. about Presentments, yet doth not enlarge the power of the Justices of Peace in this particular, nor enable

them to take such Indictments at any Sessions, but at their four Quarter Sessions: for altho it be put there 3 Jac. 4. § 4. N. 2. dis-junctively General or Quarter, yet the latter word is but Explicative of the former, and shews what General Sessions are meant, as appears by 3 Jac. 4. § 14. N. 1. and 7 Jac. 6. § 26. N. 5. touching the Oath of Allegiance; for in 3 Jac. 4. § 14. N. 1. tis said, that if the party refuse the Oath he shall be committed to Goal, until the next Assizes or General Quarter Sessions, and if he refuse the Oath tendred him by the Justices of Assize and goal-delivery in their open Assizes, or by the Justices of Peace in their said general Quarter Sessions, he shall incur a *Præmunire*; and in 7 Jac. 6. § 26. N. 5. that the party refusing shall be committed to Goal until the next Assizes, or general Quarter Sessions, and if he refuse the Oath tendred him by the Justices of Assizes and Goal delivery in their open Assizes or goal-delivery, or the Justices of Peace, or the greater part of them in their general or Quarter Sessions, he shall incur a *Præmunire*, which clearly shews that the same thing is intended by general Quarter Sessions, and General or Quarter Sessions; and that all General Sessions which are not Quarter Sessions are excluded out of the meaning of those Statutes.

*Indictment.*

XXXV. *The Laws, &c.* 68. *Abr.* 72. The Justices named in 23 *Eliz.* 1. § 9. N. 2. are hereby impowered to proceed by Indictment only, and no other way, for they are to hear and determine after enquiry, *infra* 95. & 165.

2. And the word (Enquire) implyeth an Indictment, and is alwaies so to be expounded, *supra* 35, and so are the other words hear and determine where other proceeding are not specially named, as here they are not.

3. For the action of debt, Information, &c. in any Court of Record is given to the Informer *qui tam &c.* afterwards 23 *Eliz.* 1. § 11. N. 1. in a distinct branch by it self without any reference to this.

4. So that by 23 *Eliz.* 1. § 9. N. 2. and before 35 *Eliz.* 1. § 10. N. 2. which gave the Queen an action of debt, &c. the Queen had no other remedy to recover the intire forfeitures given hereby but by Indictment only. 11 *Co.* 60. and 1 *Rol.* 91. *pl.* 41. *Dr. Fosters Case.*

5. See *Jones* 193. *pl.* for that and the suit by the common Informer are the only wayes appointed by 23 *Eliz.* 1. § 9. N. 2. and § 11. N. 1. and the subsequent Clause 23 *Eliz.* 1. § 10. N. 1. of submission which names the Justices before whom the party is to submit, *viz.* the Justices before whom he is Indicted, Arraigned or Tried, shews what proceeding are meant which are to be had before the Justices here named, that is by Indictment, *Hob.* 205. *Pie and Level.*

6. *Talbot and Shelden* were Indicted for Recufancy, *Contra formam Statuti* 23 *Eliz.* 1. in which Indictment the penalty was demanded, and in a Writ of Error the Judgment was reverst, for the offence is made by 1 *Eliz.* 2. § N. and the penalty is given by 23 *Eliz.* 1. § N. and therefore it should have been *Contra formam Statutorum*, *Owen.* 135. *pl.* *West's Case infra* 79. § 4.

*Bar. & Fem.*

7. If a Feme-Covert be Indicted at the Kings Suit for an offence within 23 *Eliz.* 1. § 5. N. 1. she may be charged with the penalty after her Husbands death, but the Husband is not chargable, nor shall pay the penalty, for that he is no party to the Judgment: And this was one of the Causes of making 35 *Eliz.* 1. § 10. N. 1. by which Statute the King may have an Action of debt, and recover the forfeiture against the Husband, 1 *Rol.* 93. 94. *Roy versus Foster, Savile* 25. *pl.* 59.

*Treason.*

XXXVI. *The Laws, &c.* 68. *Abr.* 73. This Exception 23 *Eliz.* 1. § 9. N. 2. of Treason and misprision of Treason extends not to the Justices of  
Oyer

*Oyer and Terminer*, or of *Affize* and *Goal-delivery*, as *Wingate Crown* 46. hath mistaken, but only to Justices of Peace, who are not to meddle in those two Cases, but the other Justices may.

XXXVII. *The Laws, &c.* 69. *Abr.* 75. Upon 23 *Eliz.* 1. § 10. N. 1. If a *Certificate* man be Indicted for Recusancy before Justices of Peace, and he submits and conforms before the Bishop of the Diocese, he may remove the Indictment by *Certiorari* into *B. R.* and there plead his Conformity by Certificate under the Bishops hand and Seal, *Styles* 26. *pl.*

2. For the manner of a Recusants submission and Conformity before the Bishop after Conviction, and the Bishops Certificate thereupon, see *Co. Entr.* 569.

XXXVIII. *The Laws, &c.* 90. *Abr.* 85. And his *Being born within this Alien. Realm*, 27 *Eliz.* 2. § 3. N. 1. must be comprised in the Indictment, but it need not be shown in what particular place he was born, but generally, *quod J. S. natus infra hoc regnum Anglia, &c.*

And so it must be alledged in the Indictment on 27 *Eliz.* 2. § 3. N. 1. that he was made a Jesuit or Priest, &c. by Authority Challenged or pretended from the See of *Rome*.

But it need not be shewed where he was made a Jesuit or Priest, &c. whether beyond the Sea or within the Realm, for wheresoever it was, it is within this Law, if he were made so by the pretended Authority of the See of *Rome*, *Popham* 94. *Southwells Case*.

XXXIX. *The Laws, &c.* 102, 103, 104. *Abr.* 96. This Statute 29 *Eliz.* *Process.* 6. § 3. N. 1. meddles not with any other way of Conviction than at the Queens suit by Indictment, as hath been said, and so is the Conviction here mentioned to be understood, for this Statute is not Introductory of a new Law, nor gave the Queen any new or other remedy than what she had against the Recusant by 23 *Eliz.* 1. § 5. N. 1. that is, by Indictment, but only gave her a more speedy way of proceeding upon that fundamental remedy, 11 *Co.* 60. and 1 *Rol.* 93. *Dr. Fosters Case*.

So that a Conviction upon an Information against the Recusant upon 23 *Eliz.* 1. § 11. N. 1. or any other way, save by Indictment, doth not appropriate the penalty of twenty pound *per month* to the King for the time to come by force of 29 *Eliz.* 6. § 3. N. 1. *Infra* 165. *abr.* 72. *Hob.* 205. *Pie* and *Lovel*, Nor for the same person by force of 3 *Jac.* 4. § 8. N. 1. where the same words are used and a Conviction by Indictment only intended, as here.

XL. *The Laws, &c.* 107. 108. *Abr.* 103. If the same be taken at any *Affize* *Process.* or *Goal delivery*, 29 *Eliz.* 6. § 5. N. 6. for if the Indictment had been taken before Justices of Peace, no Proclamation thereupon could have been made upon this Statute by the Justices of *Affize* or *Goal-delivery*, as was resolved in the Case of *Sir Edward Plowden*.

And therefore upon such an Indictment for Recusancy taken before Justices of Peace, the Court was to remove the Indictment in *B. R.* and there process might have been made out against the Recusant and he Convicted: for the Justices of Peace could do no more than Indict, all other proceedings being taken away from them by this Statute 29 *Eliz.* 6. § 2. N. 2. 11 *Co.* 63. and 1 *Rol.* 94. but now by 3 *Jac.* 4. § 7. N. 1. the Law is altered in this point, and the Justices of Peace upon Indictments taken before them, may proceed to Proclaime and Convict the Recusant, as well as Justices of *Affize* and *goal-delivery*, *Abr.* 95. N. 2.

XLI. *The Laws, &c.* 114. *Abr.* 108. *Wingate Crown* 70. saith, that if *Religion.* any person above sixteen years of age obstinately refuseth to come to Church for a month, or impugneth the Queens Authority in Causes Ecclesiastical, he shall be Committed to prison, 35 *Eliz.* 1. § 1. N. 2. which is a great mistake,



for no man shall be punished by this Act for either of those Causes, only the not coming to Church being only a precedent qualification required in the person whom the act makes lyable to the penalties thereof for the other offences therein mentioned, *Crompton* 53. b.

2. And therefore if a man never comes to Church, yet he is no offender within 35 *Eliz.* 1. § 1. N. 2. unless he advisedly or purposely move or perswade another to deny or Impugne the Kings Authority in Causes Ecclesiastical, or to that end or purpose advisedly and maliciously move or perswade some other to forbear to come to Church, or receive the Communion, or to be present at Conventicles, &c. or if he himself be present at such Conventicles, &c.

3. And on the other hand, if a man move or perswade any other to deny or Impugne the Kings Authority in Causes Ecclesiastical, or to forbear to come to Church or receive the Communion, or to be present at Conventicles, &c. Or if he himself be present at any Conventicles, &c. yet he is no offender within 35 *Eliz.* 1. § 1. N. 2. if he goeth to Church once within the compass of a month.

4. So that the party must both forbear to come to Church, and be guilty of some other offences here enumerated, or he is not punishable by 35 *Eliz.* 1. § 1. N. 2. and as for the denying or Impugning the Kings Authority in Causes Ecclesiastical, its no offence within this Statute, unless the party moves or perswades others so to do: and not then neither, unless he hath been absent from Church by the space of a month.

XLII. *The Laws, &c.* 114. 115. *Abr.* 109. Under colour or pretence of any exercise of Religion. 35 *Eliz.* 1. § 1. N. 3. Altho this Act is commonly called the Act against Sectaries, as distinguished from those of the Romish profession, yet in truth it extends to all Recusants whatsoever, as well Popish as other, except 35 *Eliz.* 1. § 2. N. 1. in the point of abjuration, for Popish service is performed under Colour or pretence of Exercise of Religion; and the assembly or meeting of Popish Recusants under such colour or pretence is an assembly or meeting contrary to the Laws and Statutes: and they as well as others may be Indicted upon this Statute if they forbear to come to Church for the space of a month, and be present at any part of the Popish service, or move or perswade, *ut supra*: And may be Imprisoned without Bail until they conform and make submission, as by 35 *Eliz.* 1. § 4. N. 1. is appointed, but they cannot be required to abjure unless they offend against 35 *Eliz.* 2. § 8. N. 2.

2. A Popish Recusant is likewise subject to an Action of debt, &c. given to the Queen by this Statute 35 *Eliz.* 1. § 10. N. 2.

*Process.*

XLIII. *The Laws, &c.* 115. *Abr.* 110. Being thereof lawfully Convicted 35 *Eliz.* 1. § 1. N. 5. that is Convicted both of his absence from Church and of that other offence which makes him punishable by this Act (*viz.*) going to Conventicles, or moving or perswading, &c. for his absence from Church for a month must be laid down precisely in the Indictment, for without that the other is no offence within this Act.

2. And tis not necessary that the party be Convicted of such absence upon any prior Indictment, for altho there was never any former Conviction of him for Recusancy, yet if he offend against this Act 35 *Eliz.* 1. § 1. N. 5. in any of the other particulars, he may be Convicted both of that offence and of his absence upon one and the same Indictment, and so was the Indictment *Mich.* 16. *Car.* 1. in the Case of *Lee* and others, 1 *Cro.* 593. *pl.* who were Indicted upon this Statute, at the Sessions of the Peace in *Essex*, for absenting themselves for a month from Church, and resorting to Conventicles, to which they pleaded not guilty, and the Indictment was removed in *B. R.* to be tried there.

*Oath.*

XLIV. *The Laws, &c.* 116. *Abr.* 111. Being thereunto required by the Bishop,

Bishop, &c. or any Justice of Peace, 35 *Eliz.* 1. § 2. *N.* 1. But put the Case that the offender is Convicted, and the three months next after his Conviction elapse, before he is required by the Bishop or any Justice of Peace, or the Minister or Curate of the Parish, to conform and make submission as here appointed; and afterwards he is required by one of them so to do: It seems in this Case such request comes too late, for he ought to conform and submit within the three months, if he be required, but if he be not required, he is not bound to abjure for omitting it, altho he shall remain in Prison till he conforms and submits. But if within the three months he be required to conform and submit, and refuse, there is no question but he may be at any time afterwards warned or required to abjure.

XLV. *The Laws, &c.* 117, 118. *Abr.* 112. That 35 *Eliz.* 1. § 4. *N.* 5. appoints the Conformity and submission to be *At any Church Chappel, or usual place of Common-Prayer*, but 35 *Eliz.* 1. § 4. *N.* 1. limits it to be *at some Parish Church*; the meaning whereof seems to be, that if a man be an offender against this Act, and Convicted, he may within the three months after his Conviction conform and submit by 35 *Eliz.* 1. § 1. *N.* 5. in any Church, Chappel or usual place of Common-prayer, where there is Common-prayer and either a Sermon or the Gospel read: *Infra* 145. But if he be required within the three months to conform and make submission, and he refuseth so to do, but the three months expire, then by 35 *Eliz.* 1. § 4. *N.* 1. his Conformity and submission must be more solemn and publick, (*viz.*) In some Parish Church, where it is presumed, there will be the greatest number of people to be witnesses thereof.

And by this Construction the seeming difference between 35 *Eliz.* 1. § 1. *N.* 5. and § 4. *N.* 1. is reconciled, and this construction naturally flows from the order wherein these two branches are placed, for 35 *Eliz.* 1. § 1. *N.* 5. speaks of a Church, Chappel or usual place of Common-Prayer, before it mentions the parties refusal to conform and submit within three months next after Conviction, but when it hath mentioned such refusal 35 *Eliz.* 1. § 2. *N.* 1. then it speaks of the Parish Church only, and the second time here limited 35 *Eliz.* 1. § 4. *N.* 1. to the offender when he may conform and submit (*viz.*) before he be warned and required to abjure, presupposes his refusal to conform and submit within the three months, for otherwise he could not be required to abjure.

But if the offender be not required within the three months, according to 35 *Eliz.* 1. § 4. *N.* 1. to conform and submit, it seems he is not afterwards limited to some Parish Church, but may do it according to 35 *Eliz.* 1. § 1. *N.* 5. in any Church &c. for he is then in no danger of abjuration: and his Conformity and submission is then to no other end but to free himself from the Imprisonment inflicted on him upon his Conviction, and in that Case the Act saith he may conform and submit in any Church, Chappel or usual place of Common-prayer.

And of this difference of places of Conformity no notice is taken in the Additions to *Dalt. cap.* 81. *Seç.* 13. *tit.* Recusants.

2. By *Parish Church* 35 *Eliz.* 1. § 4. *N.* 1. is to be understood, not only that which hath been alwaies the Mother Church and never belonged to any other, but every Church which hath the Administration of Sacraments and Sepulture. For that in Law is a Parish Church, altho it anciently belonged to another Church, 2 *Inst.* 363. where the issue was whither it had *Baptisterium* and *Sepulturam*.

And the Church of *Stoke Goldenham*, tho the Town was parcel of the Rectory of *Hinckly*, whose Church was Anciently the Mother Church, yet having all parochial rights and Church-wardens, was adjudged a Parish Church, and within 43 *Eliz.* 2. § *N.* of the Poor, *Hutton* 93. *Hilton* and *Pauls* Case.

XLVI. *The*

Forfeitures.

XLVI. *The Laws, &c.* 120. 121. *Abr.* 114. These words (*All and every the said pains, duties, forfeitures and payments*) 35 *Eliz.* 1. § 10. N. 2. are not to be understood *simpliciter* or *Exclusivè*, as if the forfeitures upon 23 *Eliz.* 1. § 5. N. 1. could be recovered no other way than is prescribed here: but only they give the Queen a new remedy for recovery of them which she had not before, and take not away the remedy given by 23 *Eliz.* 1. § 5. N. 1. upon Indictment, nor that by 29 *Eliz.* 6. § 5. N. 6. upon Indictment and Proclamation, nor the Informers popular action given by 23 *Eliz.* 1. § 11. N. 1. for all these three are affirmative Laws, and do not abrogate one the other, but may well stand together.

2. And the meaning of them taken together, is, that if the Informer recover the forfeiture upon 23 *Eliz.* 1. § 11. N. 1. he shall have his part thereof, but if the offender were Indicted at the Queens suit, and Judgment had against him upon 23 *Eliz.* 1. § 5. N. 1. or if he were Convicted upon Proclamation and default upon 29 *Eliz.* 6. § 5. N. 6. the Queen should have the whole penalty, excluding the Informer, for he shall not be punished again for the same offence at the suit of the Informer.

3. But if the offender were neither Indicted nor sued by the Informer *Qui tam, &c.* the Queen should have another remedy to recover the intire forfeiture by Action of debt &c. upon this Statute 35 *Eliz.* 1. § 10. N. 2. so that the remedies given by these three Statutes 23 *Eliz.* 1. § 5. N. 1. 29 *Eliz.* 6. § 5. N. 6. and 35 *Eliz.* 1. § 10. N. 2. are Cumulative, and not Privative.

4. But as 35 *Eliz.* 1. § 10. N. 2. doth not abrogate any of the former laws touching Recusancy, nor takes away the Informers popular suit; so it adds nothing as to the Informer, nor gives him any more speedy remedy for the recovery of the forfeiture, but leaves him in the same condition as he was in before to take his remedy upon 23 *Eliz.* 1. § 11. N. 1. *Dr. Fosters Case* 11 *Co.* 61, 62. and 1 *Rol.* 90, 91, 93. 2 *Cro.* 481. & *Bridgman.* 121, 122. *Parker versus Webb.*

XLVII. *The Laws, &c.* 123. *Abr.* 120. The Statute here 35 *Eliz.* 1. § 11. N. 1. mentioned and called 28 *Eliz.* 6. is the same with 29 *Eliz.* 6. before: It being in some books called 28 *Eliz.* in others 29 *Eliz.* but (as it seems) more properly 29 *Eliz.* 6. for the Session wherein it was made was by Prorogation held 15 *Feb.* 29 *Eliz.* 1 *Anderson* 294. *pl.* 303. and 4 *Inst.* 7.

XLVIII. *The Laws, &c.* 124. *Abr.* 122. In the Additions to *Dalton cap.* 81. *Seçt* 7. 'Tis said, that no married Woman is punishable by this Statute 35 *Elizabeth*, but are thereout excepted, whereas in truth they are no where excepted throughout this Statute, save only that they shall not be compelled or bound to abjure, 35 *Eliz.* § 12. N. 1.

For if a married Woman comes not to Church, but forbears for a month, and goes to Conventicles, or any other Meetings or Assemblies, under colour or pretence of the Exercise of Religion contrary to Law, whether they be Popish or other, or perswades others so to do, or to forbear the Church, or to impugn the Kings Authority in Causes Ecclesiastical, she shall be imprisoned by force of this Act, 35 *Eliz.* 1. § 1. N. 5. until she conform and submits her self, but she cannot be further proceeded against, so as to require her to abjure.

A Married Woman by this Act, 35 *Eliz.* 1. § 10. N. 2. with her Husband is likewise punishable for her Recusancy, by action of Debt, &c. brought against her and her Husband at the Kings Suit, so that 'tis a great mistake to say she is not punishable by this Statute.

Tays.

XLIX. *The Laws, &c.* 125. 126. *Abr.* 124. Note that this Act 35 *Eliz.* 1. § 13. N. 4. being at first but temporary was afterwards discontinued,

Hutton



Hutton 61, 62. But is since revived by 3 Car. 14. (5.) § 21. N. 1. and declared to be in Effē, 16 Car. 2. 4. § 1. N. 1.

2. And in such Case it hath been questioned if a Statute be discontinued *Parliament*, and afterwards revived, how an Indictment thereupon shall conclude, whether *contra formam Statuti* or *Statutorum*: For if a Statute be temporary, and afterwards continued for a longer time, or made perpetual and never discontinued, there without doubt it shall be *contra formam Statuti*.

But it hath been held by some, that where it was once discontinued and then revived, there it is as if there were two several and distinct Statutes, and the Indictment shall conclude, *contra formam Statutorum*. 9 Eliz. *Palmer's Case*.

But others have held the contrary, and that there is not any difference in the Case of a Statute at first temporary, and afterwards, before any discontinuance, continued for a longer time or made perpetual, and a Statute discontinued and then revived, but that it shall in both Cases be held but as one Statute, and that the Conclusion shall be *contra formam Statuti*, and not *Statutorum*, unless where the Act of reviver makes any addition to the former Act, or increaseth the penalty or forfeiture, for then there is no doubt but they are two distinct Acts of Parliament, and according to this latter opinion hath the practice been in Informations upon 5 Eliz. 9. of Perjury, which determined 14 Eliz. and was revived 29 Eliz. 5. § 2. N. 3. and yet all Informations thereupon conclude *contra formam Statuti*: And so as it seems ought all Indictments upon this Statute of 35 Eliz. 1. § 12. N. 4: notwithstanding its discontinuance and reviver. *Owen* 135. *West's Case*, 2 Cro. 170. pl. 9, *Telvert* 116. pl. 165. and 3 Cro. 750.

L. *The Laws, &c.* 137. *Abr.* 133. Within three months next after such person shall be apprehended or taken 35 Eliz. 2. § 8. N. 3. *Wingate Crown* 20. clearly mistakes the meaning, for he saith, that a Popish Recusant, whose Estate is under value, must make the submission prescribed by this Act within three months next after his arrival at his place of abode, which is a complicated Error; for he quite leaves out him who is to repair to the place where he was born, or his Father or Mother dwells; he makes the party lyable to such submission before he becomes an offender by not repairing or not presenting himself, and giving in his true name or Travelling above five Miles: He speaks nothing of his being apprehended, whereas by the Act he cannot be required to abjure untill three months after his apprehension, and he turns the three months after his apprehension into three months after his arrival; all great mistakes and fit to be taken notice of by Justices of Peace, whose part it is to require the submission and abjuration, that they may not be misled in the Execution of this part of their office by trusting to that abridgement.

LI. *The Laws, &c.* 138. *Abr.* 134. Being therunto required by the Bishop, &c. 35 Eliz. 2. § 8. N. 3. If the offender be not before the end of the three months next after his apprehension required by the Bishop, a Justice of Peace, or the Minister or Curate to make such submission, he cannot be required afterwards, nor be compelled to abjure by force of this Act, but if he be required within the three months to make submission, and refuse, he may be at any time afterwards warned or required to abjure.

LII. *The Laws, &c.* 138, 139. *Abr.* 135. The Oath of abjuration 35 *Exile*. Eliz. 2. § 8. N. 4. may be in this form, or to this effect.

You shall Swear that you shall depart out of this Realm of England, and out of all other the Kings Majesties Dominions, and that you shall not return hither or come again into any of his Majesties Dominions but by the Licence of our said Sovereign Lord the King or of his Heirs: So help you God. 3 *Inst.* 217. *Stamford* 119, 120.

Wilkin-

*Wilkinson*, 66. hath set down another form, &c. resembling that of a Felon &c. *vet. Magna Chart.* 167. b. 168.

This hear you, Sir Coroner, that I J. M. of H. in the County of S. am a Popish Recusant, and in the contempt of the Laws and Statutes of this Realm of England, I have and do refuse to come to hear Divine Service there read and exercised: I do therefore according to the intent and meaning of 35 *Eliz.* 2. § 8. N. 4. &c. abjure the Land and Realm of King *Charles*, now King of England, Scotland, France and Ireland; and I shall hast me towards the Port of P. which you have given and assigned to me, and that I shall not go out of the high-way leading thither, nor return back again &c. If I do, I will that I be taken as a Felon of our said Lord the King; and that at P. I will diligently seek for passage, and I will tary there but one Flood and Ebb, If I can have passage; and unless I can have it in such space, I will go every day into the Sea up to my knees, as laying to pass over. So God me help and his holy Judgment.

But in alluding to the old Oath for Felony, &c. *Wilkinson* is mistaken in the very Offence for which the Popish Recusant is to abjure by force of 35 *Eliz.* 2. § 8. N. 4. For the Offence is not his Refusal to hear Divine Service, for that is but one of the precedent qualifications of the person; but the offence itself is of another nature, *viz.* his not repairing to the place the Statute appoints him, or his removal from thence contrary to the Statute, or his not presenting himself, and delivering his true Name, as aforesaid: Either of these, if he be a Popish Recusant, within the meaning of this Act, is a Crime for which he ought to abjure, unless he prevents his abjuration by a timely Submission: Nor is the Popish Recusant bound to Swear that he will not go out of the high way, or return back, or will tarry but one Flood and Ebb, or go into the Sea up to his knees: Nor ought the Coroner or Justices of Peace to require any such Oath of him; for this is a new Offence made by a Statute Law, which doth not require the strict form of Abjuration, as in Case of Felony; and altho the Felon were tied to these Circumstances, yet the Recusant is not, nor shall be a Felon for omitting them, but 'tis sufficient if he simply abjure as, 35 *Eliz.* 2. § 8. N. 4. directs, and go from the appointed Port within the time limited, and not return without Licence into any of the Kings Dominions.

He that thus abjures the Realm doth yet owe the King his Ligeance and remaineth within the Kings Protection. *Qui abjurat Regnum, amittit regnum, sed non Regem; amittit Patriam, sed non patrem patriæ*, 7 Co. 9. *Calvins* Case.

LIII. *The Laws*, &c. 140. 141. *Abr.* 139. Having lawful Authority in that behalf, 35 *Eliz.* 2. § 11. N. 1. this Clause seems to refer to 27 *Eliz.* 2. § 13. N. 1. Which appoints that the discovery of a Popish Priest, or Jesuit shall be made to some Justice of Peace, or higher Officer, who is to give Information thereof to some of the Privy Council. &c. under the penalty of two hundred Marks: Which Statute of 27 *Eliz.* 2. § 13. N. 1. tho it do not in expresse terms say, that the Justices of Peace, or other higher Officer shall examine the Priest or Jesuit so discovered; yet in as much as it gives power to take Cognizance of the matter, it seems Implicitly to impower him to inform himself of the truth, whether the party be a Priest or Jesuit or not, as well by examination of the party as otherwise, that he may be the better enabled to give Information thereof to some of the Privy Council, &c. and one Justice of Peace having by 27 *Eliz.* 2. § 13. N. 1. lawful Authority to examine him, he hath Authority likewise by this Statute 35 *Eliz.* 2. § 11. N. 1. to Commit him, if he be suspected to be a Priest or Jesuit, and refuseth to answer whether he be so or no.

As for Mr. *Shepherds* opinion in his sure Guide Cap. 14 § 5. That there must

must be two Justices to Commit a man by force of 35 *Eliz.* 2. § 11. *N.* 1. who is suspected to be a Jesuit or Priest, till he answers directly, I see no ground at all for it.

LIV. *The Laws, &c.* 141. *Abr.* 140. *Answer the said Questions,* 35 *Examinant.* *Eliz.* 2. § 11. *N.* 1. that is, whether he be a Jesuit, Seminary or Massing Priest, for he is not bound to Answer to any other Question, nor can be Committed by force of this Act for his refusal.

LV. *The Laws, &c.* 141. 142. *Abr.* 141. *Urged by Process,* 35 *Eliz.* 2. § 13. *N.* 1. If a Popish Recusant, restrained by this Act, be summoned by Warrant of a Justice of Peace to appear before him, the Recusant ought not to travel to such Justice out of his compass of five miles; for although a Justice of Peace's Warrant be the Kings Process, yet it is not intended here, for these words (*Urged by Process*) are restrained by the subsequent words 35 *Eliz.* 2. § 13. *N.* 1. as requires the Recusants appearance in some of the Kings Courts, and extend not to all Cases of Summons and Process, as *Wingate Crown* 83. mistakes.

But if in the Case aforesaid the Warrant be to Arrest the Recusant, and by force thereof to be carried by the Constable, &c. out of the compass of five miles, there he is excused, and shall forfeit nothing, for that it was done by compulsion; and yet if there be any Covin between the Recusant and the Justice of Peace, or Officer, it may be otherwise.

LVI. *The Laws, &c.* 144. 145. *Abr.* 146. *Submission,* 35 *Eliz.* 2. § 15. § 16. *Submission.* If a Popish Recusant, Indicted upon this Statute, makes his Submission, and brings with him into *B. R.* a Testimonial thereof, it is the course of that Court to cause him there to make his Submission again upon his Knees, which the Clerk of the Crown reads to him And so was it done *Pasc.* 2 *Car.* 1. *Latch.* 16. in the Case of one *Throgmorton.* But *Jones* Justice said, There was no Statute to compel him to this second Submission: and *Throgmorton* complained that he was not therein dealt with according to Law.

35 *Eliz.* 2. § 16. *N.* 2. *Is over her Majesty, or within any her Majesties Jurisdiction.* *Realms or Dominions;* and not over her Majesty within any her Dominions, as *Wingate Crown* 85. grossly misrecites: For that denies only the Popes or See of *Romes* Authority over her Majesty, but not any other Authority which they might claim over her Subjects: And 'tis there by Disjunctive (Or) which *Wingate* omits, that both these Authorities are intended to be denied by this Submission, these words (*or any colour or means of any Dispensation*) which are a very material part of the Submission, are likewise omitted by *Wingate.*

LVII. *The Laws, &c.* 145. *Abr.* 147. Such relapse, 35 *Eliz.* 2. § 18. *N.* 1. *Certificate.* with the Indictment thereof, is to be certified into the Court of *Exchequer*, as was done by the Justices of *B. R.* 1. *Bulstr.* 133. in the Case of *Francis Holt*, *Pasc.* 9 *Jac.* 8.

LVIII. *The Laws, &c.* 160. *Abr.* 163. *Or before Justices of Assize, &c.* *Justices.* 3 *Jac.* 4. § 3. *N.* 5. Note, that notwithstanding these words, an Information upon this Statute by an Informer, *Qui tam* &c. for not receiving the Sacrament cannot be brought before Justices of Assize, or Goal Delivery, or Justices of Peace: For no common Informer can sue for the King and himself before any of those Justices, but must sue in one of the Courts of Record at *Westminster.*

LIX. *The Laws, &c.* 161. *Abr.* 164. *Of all and all manner of Popish Constable.* *Recusants,* 3 *Jac.* 4. § 4. *N.* 1. as this Act is penned, It seemeth that the Church-wardens and Constables are not bound thereby to present the Monthly absence from Church of any of the Children or Servants of a Popish Recusant, although such Children or Servants be Recusants, unless they



they are Popish Recusants; and that 'tis sufficient to satisfy, 3 Jac. 4. § 4. N. 2. to present their Names, without taking any notice of their absence from Church.

But if they be Popish Recusants, they fall within the General words of the Act, and their Monthly absence ought to be presented as well as that of their Parents or Masters: And in this *Wingate Crown* 100. hath clearly mistaken; for he tells us, That the Monthly absence of all the Children and Servants of a Popish Recusant ought to be presented.

*Indictment.*

LX. *The Laws, &c.* 162. 163. *Abr.* 165. *To enquire, hear, and determine*, 3 Jac. 4. § 7. N. 1. This is intended of Indictments only, and revives the Power of the Justices of Peace, given them by 23 Eliz. 1. § 9. N. 2. *supra*, and taken from them by the Negative words of 29 Eliz. 6. § 2. N. 2. *supra*, so that now the Justices of Peace may proceed to Judgment against the Recusant upon 23 Eliz. 1. § 5. N. 1. or Convict him upon Proclamation and Default, and so may the Justices of Assize or Goal-delivery proceed either way: For the words of 3 Jac. 4. § 7. N. 2. and of 29 Eliz. 6. § 5. N. 5. which give the Proclamation being in the Affirmative, do not take away the proceedings upon 23 Eliz. 1. § 9. N. 2. but that the Justices may waive the Conviction by Proclamation if they please.

Nor is the Informers popular Suit, 23 Eliz. 1. § 11. N. 1. taken away by 29 Eliz. 6. § 4. N. 3. or by this Statute, 3 Jac. 4. § 7. N. 2. *Dr. Fosters Case*, 11 Co. 61.

*Appearance.*

LXI. *The Laws, &c.* 164. *Abr.* 169. *Shall not make Appearance of Record*, 3 Jac. 4. § 7. N. 3. And if the Recusant do appear of Record at the Assizes, Goal-delivery, or General or Quarter-Sessions, it shall be sufficient to save his Default, although he did not render himself to the Sheriff upon the Proclamation; and this is clear by the words of 3 Jac. 4. § 7. N. 3. which is grossly mistaken *Wingate Crown* 102. who saith, The Recusant shall be Convicted if he render not his Body to the Sheriff or Bayliff of the Liberty, and that Default be recorded.

This appearance on 3 Jac. 4. § 7. N. 3. must be in proper Person, and not by Attorney, for none can at first appear by Attorney unless enabled by some Statute; and all Appearances by the Defendant in any Court, ought by the Common Law to be in Person, 10 Co. 101. *Bewfages Case*.

But after a Plea pleaded to an Indictment, an Attorney may be admitted at the Discretion of the Court if they think fit, but not otherwise; and in some Cases not without a special Writ directed to the Justices to that purpose, 16 Ed. 4. 5. *F.N.B.* 26.

The Party Indicted and Proclaimed on 3 Jac. 4. § 7. N. 3. who appears at the Assizes or Sessions, must take care that his Appearance be entred of Record: For if the Clerk of the Assizes, or Clerk of the Peace should mistake, and instead thereof Record his Default, he hath no way to avoid his standing Convicted, but he is to put his Action upon the Case against such Clerk of the Assizes or Peace. See *Popham* 29. *Kellway* 180.

The personal Presence at the next Assizes or Sessions of the Party Indicted of Recusancy, and proclaimed on 3 Jac. 4. § 7. N. 3. although he continue there from the beginning to the ending, is no sufficient ground to Record his Appearance, nor shall save his Default; for although he be there personally present, and openly confess himself to be the same Person who was Indicted, and against whom the Proclamation Issued, yet if he deny to appear upon the Proclamation, or to consent that his Appearance be entred of Record, it seems that his Appearance cannot be Recorded, but his Default shall, and he shall stand convicted thereupon.

And

And this is no more an Appearance than where a Prisoner is brought to the Common Pleas Barr by *Habeas Corpus*, to the intent to have him appear to an Original brought against him, and he denies to appear to the Action, in which Case his Appearance cannot be Recorded, as was resolved 43 *Elizabeth* in *Alcoughs Case*, *Golsb.* 118. *pl.*

LXII. *The Laws, &c.* 174. *Abr.* 131. These words (*passing, &c. and unknown*) 3 *Jac.* 4. § 13. *N.* 4. being in the Conjunctive, it seems that the Bishop, or two Justices, ought not to examine upon Oath, or tender this Oath to any Passenger or Traveller, *quatenus* such, unless he be unknown, *viz.* such an one as conceals his true Name or Quality, for so it must be reasonably intended, and not of all Travellers through the Country, as *Wingate Crown* 106. mistakes: For it appears by the other Qualifications here enumerated, that the intent of the Act is, that it shall be offered by the Bishop, or two Justices, to such only of whom there is any just Cause of Suspicion, 7 *Jac.* 6. § 26. *N.* 2. *Infra* 260.

LXIII. *The Laws, &c.* 175. *Abr.* 182: *There to remain without Bail Imprisonment.* or *Mainprise*, 3 *Jac.* 4. § 14. *N.* 1. the Bishop or two Justices cannot take Sureties of him who refuseth the Oath for his Appearance at the Assizes or Sessions, as *Wingate Crown* 107. mistakes, but must Commit him immediately to Goal; nor can any other Court or Justices Bayl him in this Case.

LXIV. *The Laws, &c.* 175. *Abr.* 183. *Until the next Assizes or General Quarter-Sessions, &c.* 3 *Jac.* 4. § 14. *N.* 1. This being in the Disjunctive, the Bishop or two Justices have their Election to Commit the Party refusing the Oath, either until the next Assizes, or until the next Sessions, as they shall think fit: For some may be more aptly committed until the next Assizes, and some until the next Sessions. 12 *Co.* 131.

LXV. *The Laws, &c.* 175. 176. *Abr.* 184. These words (*Any other oath, person whatsoever*) 3 *Jac.* 4. § 14. *N.* 3. are Exclusive of the said Person or Persons who are Committed for refusal, for 'tis here in the Disjunctive; So that it seems, that if any Person whatsoever of the Age of 18 years or above, and under the degree of a Nobleman or Noble woman, be at the Assizes or General Quarter-Sessions of the Peace, whether voluntarily, or brought in upon Process on an Indictment of Recusancy, or for any other matter, and be there tendred this Oath, and refuse to take it, although it were never tendred to him before, yet upon his refusal there he incurs a *Premunire*; and in this respect this Statute 3 *Jac.* 4. § 14. *N.* 3. is more Extensive than 7 *Jac.* 6. § 26. *N.* 6. where there must be a *prior* tender and refusal of this Oath, otherwise a refusal of it at the Assizes or Sessions, doth not make a *Premunire* by that Act, 12 *Co.* 18. *Infra*.

LXVI. *The Laws, &c.* 176. *Abr.* 185. *Shall incur the danger and penalty of Premunire, &c.* 3 *Jac.* 4. § 14. *N.* 3. If a man be committed by the Bishop or two Justices of Peace for the refusal of this Oath, and the tender and refusal be expressed in the *Mittimus*, the Justices of Assize or Justices of Peace in their Sessions, are bound to take notice of this tender and refusal. *Error.*

And after they have there made the Party a second tender of the Oath, and he refuseth it, by which he incurs a *Premunire*, the Indictment against him to Convict and Attaint him of *Premunire*, must contain all the special Matter; *viz.* That he stood Convicted or Indicted of Recusancy, or that he had not received the Sacrament twice within the year next before, or that passing through the Country and unknown, being examined upon Oath, he confessed or denied not, &c. (as the Case is) and that the Oath was tendred to him by the Bishop, or two Justices of Peace, *Quorum unus, &c.* and he refused it: And that it was again tendred to him in open Court,

Court, and he again refused it : For in this Case the *Mittimus* is the ground upon which he must be proceeded against at the Assizes or Sessions.

But if the first tender and refusal be not expressed in the *Mittimus* or Warrant of Commitment, there, although there was a tender and refusal of the Oath before the Bishop or two Justices, yet the Justices of Assize, or Justices of Peace in their Sessions can take no notice of it, but they must there tender him the Oath without reference to any *prior* tender which they may do by force of the General words (*any other person whatsoever*) 3 *Jac.* 4. § 14. N. 3. And if he refuse he incurs a *Præmunire* ; and in this Case the Indictment may be thort and general (*scil.*) That he was tendered the Oath in open Court, and refused it, &c. And so it must be in all Cases where in truth there was never any *prior* tender and refusal, 12 *Co.* 131, 132.

See 7 *Jac.* 6. § 26. N. 2. Whereby the power of the Justices of Peace is in some particular Cases enlarged in reference to this Oath of Allegiance, *Infrà.*

*Oath.*

LXVII. *The Laws, &c.* 179. *Abr.* 186. *Unto which Oath to take, the said Person shall subscribe his or her Name or Mark.* 3 *Jac.* 4. § 15. N. 6. If a man refuse to take any word of this Oath, 'tis a refusal of the whole, 1 *Bulstr.* 198. Lord *Vauxes* Case.

*Proof.*

LXVIII. *The Laws, &c.* 190. *Abr.* 199. *To the satisfaction of the said Justice of Peace,* 3 *Jac.* 4. § 27. N. 2. In this Case the Justice of Peace is sole Judge, whether the Excuse the Party makes for his Absence be sufficient, and sufficiently proved ; and the same cannot be brought into question elsewhere by the Party.

*Justices.*

LXIX. *The Laws, &c.* 196. 197. *Abr.* 211. *Where any Bishop or Justices of the Peace,* 3 *Jac.* 4. § 41. N. 1. The Justices of Peace have a twofold power given them by this Act in reference to the Oath of Allegiance : 1. Out of Sessions, and so any two Justices of Peace, *Quorum unus*, &c. may tender the Oath to any Person by 3 *Jac.* 4. § 13. N. 2. Eighteen years old or above, other than Noble men or Noble women. 2. In their General or Quarter-Sessions, and there they may by 3 *Jac.* 4. § 14. N. 2. 3. They may tender the Oath to any such Person who hath before refused it, or to any Person whatsoever, of or above that Age, other than Noble men or Noble women.

Now whether the six Privy Counsellors here mentioned 3 *Jac.* 4. § 41. N. 1. may require the Oath of Noble men and Noble women in all Cases where the Justices of Peace may require the same of any Subject, either in or out of Sessions : Or only in such Cases where they may require it out of Sessions, seems to be a Question.

For if the Power here given 3 *Jac.* 4. § 41. N. 1. to the six Privy Counsellors, be the same with that of the Justices of Peace in their Sessions, they may by force of this Act tender it to any Noble man or unmarried Noble woman whatsoever above Eighteen years old ; for the Justices of Peace in their Sessions, by 3 *Jac.* 4. § 14. N. 2. may tender it there to any other Person whatsoever. But if it be meant of the Power given the Justices of Peace out of Sessions, 3 *Jac.* 4. § 13. N. 1. then the six Privy Counsellors can tender it by force of this Act, 3 *Jac.* 4. § 41. N. 1. to such Noble men or unmarried Noble women only, who stand Convicted or Indicted of Recusancy for not coming to Church, or who have not received the Sacrament twice within the year next before, or who passing through the Country unknown, shall upon Examination confess, or not deny their Recusancy, or that they have not so received the Sacrament.



For the Solving of which Doubt, it is to be considered,

1. That the Bishop, and not the Justices of Assize, are here joyned with the Justices of Peace: And these words, 3 Jac. 4. § 41. N. 1. (*where any Bishop or Justices of Peace*) seem to bear this Construction, *viz.* Either the one or the other indifferently may require the Oath, and that can be intended only of the Power given out of Sessions; for in Sessions the Bishop hath nothing to do.

But had the Justices of Assize been here added, *scil.* in all Cases where the Bishop, Justices of Assize, or Justices of Peace may require this Oath, it had been clear that the Power here 3 Jac. 4. § 41. N. 1. given the six Privy Counsellors, was as Extensive as that which 3 Jac. 4. § 14. N. 3. is given the Justices of Assize, or Justices of Peace in their Sessions, and they might have required the Oath of any Noble man or unmarried Noble woman whatsoever of competent Age. So if the Justices of Peace only had been here named, it had been clearly intended of the Justices of Peace in either Capacity, either in or out of Sessions. But (*Bishop*) 3 Jac. 4. § 41. N. 1. seems here to be a Restrictive word, and to give the Privy Counsellors no more power in respect of the Nobility, than the Bishop had in reference to any other Subjects.

2. These words (*In all Cases where, &c.*) 3 Jac. 4. §. 41. N. 1. seem to be Restrictive likewise, and Exclusive of some Causes; but the power of Justices of Peace in Sessions, 3 Jac. 4. §. 14. N. 3. extends to all Causes and Persons under the degree of Nobility whatsoever, which therefore cannot be here intended, 3 Jac. 4. § 41. N. 1. but only some particular Causes, *Ejusdem generis*, which can be no other than the Causes before mentioned, 3 Jac. 4. § 13. N. 1. wherein the Bishop, or two Justices out of Sessions may deal, *scil.* where the Party was before Convicted or Indicted, or had not received the Sacrament, or passed unknown, and confessed, &c.

And yet, as 'tis reported 1 Bulstr. 197. the Lord Vaux's Case, Pasch. 10 Car. 1. is to the contrary: For 'tis said there, he was Committed to the Fleet by the Privy Council for refusing the Oath of Allegiance, and afterwards Indicted in B. R. of a *Premunire* for such his refusal, he being then of the Age of Eighteen years and above, and the said Oath being lawfully tendred, &c. all which was certified to the Court by divers of the Privy Council; upon which Indictment he was Arraigned: And no word in the Indictment of his standing Convicted or Indicted of Recusancy, or not having received the Sacrament, &c. and yet the Indictment was grounded upon 3 Jac. 4. § 41. N. 1. and not upon 7 Jac. 6. § 26. N. 6. For by the Statute 7 Jac. 6. § 26. N. 5. He could not have been Indicted of a *Premunier* for the first Refusal, but must have been Committed until the next Assizes or Sessions; and if he had there refused it the second time, he might have been Indicted of a *Premunire*, and not otherwise. But whether this Indictment were according to Law, or only passed *Sub silentio*, *Quere*.

Note by 7 Jac. 6. § 26. N. 1. Any Privy Counsellor, or the Bishop of the Dioces, may now require this Oath of any Baron or Barones of or above the Age of Eighteen years in all Cases, and in some Cases three Privy Counsellors, *Quorum unus*, &c. may require it of Persons above the said Degree.

LXX. The Laws, &c. 205. Abr. 220. Giving Power to grant Licence Licence or Licences unto the said Recusants, 35 Eliz. 2. § 12. N. 1. in the Proviso which is by 3 Jac. 5. § 6. N. 4. here repealed, is only that which there Impowers the Justices of Peace, for that is the only Proviso which gives Power to grant Licences; and the Cause here alledged for the Repeal, 3 Jac. 5. § 6. N. 2. is the giving of sundry Licences to Recusants under colour of a Proviso in 35 Eliz. 2. which can be construed only of those which were given

given by the Justices of Peace, 35 *Eliz.* 2. § 12. N. 1. and not of the other Licences given by 35 *Eliz.* 2. in several other Cases: So that the Provisoos there, 35 *Eliz.* 2. § 13. & 14. permitting the Popish Recusant to travel in Case of Process, or Commandment by Privy Counsellors, or the Queens Commissioners, or Proclamation to render his Body to the Sheriff, remain still in force and unrepealed, and the Recusant may take the benefit thereof at this day.

*Justices.*

LXXI. *The Laws, &c.* 207. 208. *Abr.* 221. by (*such Recusant*) is intended here, 3 *Jac.* 5. § 7. N. 1. such Recusant as is confined by 35 *Eliz.* 2. § 3. N. 1. & § 4. N. 1. and not only such as were mentioned in 3 *Jac.* 5. § 6. N. 1. For that Recital is imperfect, in that it mentions only the Popish Recusant Convicted, 35 *Eliz.* 2. § 3. N. 1. whereas 35 *Eliz.* 2. § 4. N. 1. speaks as well of the Popish Recusant not Convicted, who hath no certain place of abode.

And the benefit of having Licences from the King, or three Privy Counsellors, by force of this Act, 3 *Jac.* 5. § 7. N. 1. is intended as well to the one as the other, although the Convicted only are mentioned in the recital: And this will plainly appear, 1. By the following words here, 3 *Jac.* 5. § 7. N. 2. which empower the Justices of Peace to grant Licences, and expressly extend to all Persons confined, by virtue of 35 *Eliz.* 2. Now it cannot be presumed that the Makers of the Law intended any difference between the Persons to be licenced by the King or Privy Counsellors, and the Persons to be licenced by the Justices of Peace; the Power given 3 *Jac.* 5. § 7. N. 1. to the King or Privy Counsellors, being more absolute, and not under such Precautions as is that which is given 3 *Jac.* 5. § 7. N. 3. to the Justices of Peace: For the King or Privy Counsellors may grant a Licence to the Recusant to travel without any particular Cause shewn in the Licence, or the assent of any other Person, and without any Oath to be made by the Recusant, which the Justices of Peace cannot do: And there is no reason to think that the Power here given to the King or Privy Counsellors, which in all other Particulars is so much more absolute and extensive than that given to the Justices of Peace, should be yet less Extensive as to the Persons to be licenced.

2. It were absurd to think that the Makers of 3 *Jac.* 5. § 7. N. 1. intended to confer a greater Privilege upon the Recusant Convicted, whose Offence appears upon Record, than to such as are not Convicted, &c. But if by (*such Recusant*) should be meant only such as are mentioned in the Recital, 3 *Jac.* 5. § 6. N. 1. *viz.* those Convicted, and not all who are confined by 35 *Eliz.* 2. § 3. N. 1. & § 4. N. 1. it would follow that the Convicted Recusant, who is the more notorious Offendor, may have a Licence without any Cause shewn, or Oath made; but he who is not Convicted is barred of that Privilege, and can apply himself only to the Justices of Peace for a Licence, clogged with divers Circumstances which are not required in a Licence granted by the King or the three Privy Counsellors, 3 *Jac.* 5. § 7. N. 1.

Much less shall this Recital 3 *Jac.* 5. § 6. N. 1. of the Statute 35 *Eliz.* 2. § 3. N. 1. Impeach the express words of that Statute 35 *Eliz.* 2. § 4. N. 1. as if no other Popish Recusants were intended to be confined thereby, but only such as are Convicted, because no other are mentioned in the Recital: For the Recital of an Act of Parliament in another Act of Parliament, being only by way of Preface or Introduction, cannot add to or diminish the Act recited, or make it lyable to any other Constitution, than what shall naturally flow from the Act it self, 4 *Inst.* 331.

LXXII. *The Laws, &c.* 208. *Abr.* 222. *Without any other Cause to be* <sup>Licence.</sup>  
*expressed*, 3 *Jac.* 5. § 7. N. 1. Here is one difference between a Licence by  
 the King or three of the Privy Counsellors, and a Licence by Justices of  
 Peace: For by these 3 *Jac.* 7. § 5. N. 2. it ought not to be granted, unless  
 the Popish Recusant hath necessary occasions or business; but the Kings or  
 Privy Counsellors Licence may be granted in any Case at the Recusants re-  
 quest.

LXXIII. *The Laws, &c.* 200. *Abr.* 203. *Under the Hands and Seals*, <sup>Indictment.</sup>  
 3 *Jac.* 5. § 7. N. 2. An Indictment was brought upon 35 *Eliz.* 2. § 3. N. 1.  
 for travelling out of the Compass of five Miles, the Recusant pleaded a  
 Licence under the Seals of four Justices of Peace, and Exception was taken  
 to the Plea, for that the Licence ought to have been under their Hands as  
 well as their Seals, 2 *Co.* 352. *Mich.* 17 *Jac.* *Maxfields Case*. And this is  
 a good Exception: For a Licence by a Justice of Peace, although in Writ-  
 ing, is not sufficient without Seals and Subscription both, 1 *Roll.* 108. *pl.*  
 47. *Macclefields Case*.

LXXIV. *Abr.* 224. *Of four of the Justices of Peace*, 3 *Jac.* 5. § 7. N. <sup>Justices.</sup>  
 2. And a Licence from less than four will not now serve, since the Repeal  
 of 35 *Eliz.* 2. § 12. N. 1. and therefore 1 *Roll.* 108. is misreported in that  
 particular; for there mention is made of a Licence from two Justices of  
 Peace, as if no more were then requisite. And that Case could not be  
 grounded upon the Proviso in 35 *Eliz.* 2. § 12. N. 1. which required only  
 two Justices, as well for the distance of time (being Nine years after the  
 Repeal of that Proviso by 3 *Jac.* 5. § 6. N. 4.) As for that in 1 *Roll.* 108.  
 there is mention of a Licence under the Seals of the Justices of Peace, and  
 of the Oath to be taken by the Recusant, neither of which was appointed  
 by 35 *Eliz.* 2. § 12. N. 1. but by this Statute, 3 *Jac.* 5. § 7. N. 4. which  
 must therefore necessarily be there intended, and not any Statute 1 *Jac.*  
 which is another mistake in that Case, 1 *Roll.* 108.

LXXV. *The Laws, &c.* 208. 209. *Abr.* 225. *With the privy and assent in*  
*writing of the Bishop, &c. the Lieutenant, or of any Deputy-Lieutenant*,  
 3 *Jac.* 5. § 7. N. 2. An Information was brought against a Popish Recusant  
 Convict, for remaining above five Miles from the place of his Confinement,  
 who pleaded a Licence from four Justices of Peace; but the Plea was dis-  
 allowed, *Mich.* 12 *Jac.* saith *Moor* 836. *pl.* 1127. *Mansfields Case*.  
 But yet if it had been granted with the assent of any Deputy-Lieutenant  
 residing in the County, there is no doubt but it had been good e-  
 nough.

The Bishop, Lieutenant, or Deputy-Lieutenant, who gives his assent,  
 must be a distinct Person from the Justices of Peace who grant the Licence,  
 by 3 *Jac.* 5. § 7. N. 2. And therefore if one and the same Person be a Ju-  
 stice of Peace and Deputy-Lieutenant, he cannot act herein in both Capa-  
 cities; for *una persona non potest supplere vicem duorum*. And if he Sign  
 and Seal the Licence, as a Justice of Peace, the assent of some other De-  
 puty-Lieutenant, or of the Bishop, or Lieutenant must be had thereto, or  
 the Licence is void, *Mich.* 12. *Jac.* *Maxfields Case*. 2 *Cr.* 352. and *Mans-*  
*fields Case*. *Moor* 836. *pl.* 1217. and *Macclefields Case*, 1 *Roll.* 108.  
 And that Rule, *Quando duo Jura concurrunt in una persona æquum est*  
*ac si essent in diversis*, holds not in such Cases where distinct Persons are  
 necessarily required by Law, 7 *Co.* 14. *Calvins Case*. And here four Per-  
 sons, 3 *Jac.* 5. § 7. N. 2. are necessarily required to grant the Licence, and  
 another Person to assent to it.

In 2 *Cr.* 352. one Exception to the Licence in *Maxfields Case*, was,  
 That the assent of the Deputy-Lieutenant was contained in the Licence  
 granted by the four Justices of Peace, and was not separate and distinct by  
 it



it self, but to this the Court made no Answer: And it seems that such an assent is well enough by 3 *Jac.* 5. § 7. N. 2. though in the same Writing with the Licence, if it be expressed that the four Justices do licence, and the Deputy-Lieutenant doth assent, and such writing be under the Hands and Seals of all five.

Licence.

LXXVI. *The Laws, &c.* 210. *Abr.* 228. *The particular cause of the said Licence*, 3 *Jac.* 5. § 7. N. 3. In *Maxfields Case*, 2 *Cr.* 352. another Exception to the Licence granted by the four Justices was, That it was said to be granted for certain urgent Causes, but no particular Cause for the Recusants travel was expressed in the Licence: And this seems to be a good Exception: For the inserting into the Licence that the Popish Recusant hath urgent or necessary occasion or business, answers only the former part of this Proviso, 3 *Jac.* 5. § 7. N. 2. which gives the four Justices power to licence him, if he hath necessary occasion or business to travel out of the compass of five miles; but withal it ought to be mentioned in the Licence particularly what that occasion or business is, which is the cause of the Licence, for so this Act here 3 *Jac.* 5. § 7. N. 3. expressly appoints; and therefore that form of a Licence for a Recusant to travel, which *Dalt.* 379. cap. 124. tit. *Licences* hath set down, wherein no Cause is mentioned but urgent and necessary business seems too short and general, and is not to be relied on.

Oath.

LXXVII. *The Laws, &c.* 210. *Abr.* 229. *First taking his Corporeal Oath*, 3 *Jac.* 5. § 7. N. 4. In *Mansfields Case*, *Moor* 836. pl. 1127. there is another Oath mentioned for a Popish Recusant to take before he can be licenced to travel, and that is the Oath of Allegiance, prescribed by 3 *Jac.* 4. § 25. N. 1. for its said, *Moor* 836. That in an Information brought against the Recusant for travelling out of the Compass of five Miles, the Defendant pleaded a Licence from four Justices of Peace, and his Plea was disallowed, because (among other things) he did not shew that before the Licence he had taken the Oath of Allegiance; yet *Quære* of this, and by what Law the omitting to take that Oath makes the Licence void: But I rather think it to be a mistake, and that such an Exception might be moved, but the Plea not disallowed for that Reason.

Justices.

LXXVIII. *The Laws, &c.* 210. 211. *Abr.* 229. *Before the said four Justices of the Peace, or any of them*, 3 *Jac.* 5. § 7. N. 4. Mr. *Shepherd* in *Sure Guide*, cap. 14. *Sect.* 5. thinks that no less than two of the four Justices of the Peace can minister this Oath to the Recusant. But I take it to be clear that any of the four Justices may minister the Oath in this Case.

And there is a great difference between (*any Justices*) for that denotes the Plural Number, as in the subsequent Clause, 3 *Jac.* 5. § 27. N. 1. where any Justices may Imprison the Offender, that is, any two Justices or more, and (*any of the Justices*) as here 3 *Jac.* 5. § 7. N. 4. which denotes the Singular Number; and the following words (*who shall have Authority by virtue of this Act to minister the same*) may be well enough applied to any one Justice of Peace.

Books.

LXXIX. *The Laws, &c.* 236. 237. *Abr.* 254. *Shall be thought unmeet for such Recusant*, 3 *Jac.* 5. § 26. N. 2. So that the Justices of Peace are not bound by this Act to deface all Relicks of Price, or to Burn or deface all other Relicks or Popish Books, as *Wingate Crown* 144. misleads, &c.

And though herein much is referred to the Direction of the Justices of Peace, yet where the Husband is a Protestant, and only the Wife a Popish Recusant, it seems by these words, 3 *Jac.* 5. § 26. N. 2. that they are not to consider what is unmeet for the Husband, but what is unmeet for the Recusant, *viz.* the Wife: And that it was not intended that they should seize, burn or deface any Books of the Husbands though Popish, unless

unless such whereby the Wife might be aided or confirmed in her Superstition. So that in this Case, Books written in a language or stile unintelligible to the Wife, are not within the meaning of 3 Jac. 5. § 26. N. 2. nor ought by colour thereof to be taken from the Husband, who is no Popish Recusant.

LXXX. *The Laws, &c. 238. Abr. 255. In the same County where* <sup>Warr.</sup> *such Popish Recusant shall be resident, 3 Jac. 5. § 27. N. 1.* A Popish Recusant lives in one County, and his Arms are kept in another County by one who is no Popish Recusant, such Arms cannot be seized by force of this Act by the Justices of Peace of either County.

Nor by the Justices of Peace of the County where the Arms are kept, for the seizure or taking is here limited to be by Warrant at the Sessions in the County where the Recusant resides; and 3 Jac. 5. § 27. N. 1. must be strictly pursued in that particular: Nor by the Justices of Peace of the County where the resident; is Recusant, for the Arms are in another County where they have nothing to do.

And also in some Cases where a Statute appoints a Justice of Peace to do <sup>Justices.</sup> a thing, he may do it out of his County; as to take an Examination upon the Statute of *Winton*, 13. Ed. 1. Stat. 2 cap. 1. N. of a Robbery, 27 Eliz. 13. § 11. N. 2. as was resolved 1 Cr. 213. *Jones* 239. *Helier* vers. *H. of Benburst*; yet he cannot Exercise any coercive Power out of his County, as was resolved in that Case; for his *Potestas Jurisdictionis* is confined to his County, as well as that of a Bishop is confined to his Dioces. See *Palmer* 473. *Ascutths* Case, *Infra* 266. N. 2.

And here the taking Recusants Armor is a coercive Act, and therefore by 3 Jac. 5. § 27. N. 1. can be Executed by warrant of the five Justices of Peace in that County only where they are Justices; so that this is clearly *Caus omisus*, and not provided for by this Act.

LXXXI. *The Laws &c. 238. Abr. 256. Imprisoned by warrant of or* <sup>Imprisonment.</sup> *from any Justices of Peace, 3 Jac. 5. § 28. N. 1.* Any two Justices may grant their Warrant for imprisoning the Offender, and 'tis sufficient in this Case; for *Pluralis numerus est duobus contentus*; but a Warrant from any one Justice will not serve, contrary to *Wingate Crown* 145.

LXXXII. *The Laws, &c. 238. 239. Abr. 257. Of such County, 3 Jac. 5. § 28. N. 1.* That is of the County where the Popish Recusant is resident, for no other County was named before. <sup>Lieu.</sup>

A Popish Recusant lives in one County, and his Arms are kept in another County by one who is no Popish Recusant, the Justices of Peace of that other County cannot by force of this Act, 3 Jac. 5. § 28. N. 1. imprison him that keeps them, for they are not named here; but the Power in this Case is expressly limited to other Justices, and no other can intermeddle therein.

Neither will the Warrant of the Justices of Peace of the County where the Recusant is resident, reach him who is in another County; for the coercive Authority of a Justice of Peace cannot exceed his limits or bounds, as *Com. 37.* is held in the Sheriffs of *Londons* Case.

And therefore in the Case of the Lord *Jay*, it was resolved, That if a Justice of Peace of the County where the Felony was committed, pursue a Felon into another County, and take him, there the Felon must be imprisoned in the County where he is taken, and the Justice of Peace who pursued him hath no Power to carry him to the Goal of the County where he did the Felony; for he is a Prisoner in the County where he was taken, and there the Justice of Peace hath no more Power to do, then an ordinary person 13 Ed. 4. 8. *Fresh Suit Br. 3.*

So that as it seems in this Case, the Party who keeps such Arms cannot be imprisoned by 3 Jac. 5. § 28. N. 1. but this likewise is *Casus omissus*, and not here provided for.

Oath.  
7 Jac. 6. of Al-  
legiance.

LXXXIII. *The Laws, &c.* 243. upon 7 Jac. 6. § 8. N. 1. The King cannot dispence with any Member of the Commons House of Parliament from taking this Oath of Allegiance, for that he is here declared to be *Persona inhabilis*, untill he take it, *Vaughan* 355. *Thomas* and *Sorrel*, *Supra*, and 3 *Inst.* 154.

Justices.

LXXXIV. *The Laws, &c.* 246. For any two Justices of Peace within any County, City, or Town Corporate, &c. 7 Jac. 6. § 26. N. 2. the two Justices may require this Oath of any person that shall happen to be within their Jurisdiction, although his habitation be in another County or Liberty, for the Oath of Allegiance *Sequitur personam non locum*, 2 *Bulstr.* 155. The King against *Griffith*, &c.

Oath.

LXXXV. *The Laws, &c.* 246. *Abr.* 260. To require any person or persons, 7 Jac. 6. § 26. N. 2. This is an Enlargement of the Power given to two Justices of Peace by 3 Jac. 4. § 13. N. 4. for thereby they could have required the Oath but only in some particular Cases, *Supra*. But by 7 Jac. 6. § 26. N. 2. They may require it of any person whatsoever of competent Age, and under the degree of a Baron or Baroness.

The Justices of the Peace in this Case, 7 Jac. 6. § 26. N. 2. or the Justice of Peace in the following Case, 7 Jac. 6. § 26. N. 4. may make his or their special Warrant to the Constable to bring the party before the said Justice or Justices to take the Oath; for 7 Jac. 6. § 26. N. 2. by giving them Power to require the Oath, doth implicitly authorize them to make such a Warrant, *Quando lex aliquid alicui concedit concedere videtur Et id sine quo res ipsa esse non potest*: and it is against the Office of the Justices of Peace; and the Authority hereby given them to go and seek the Party, 12 *Co.* 130.

But the Constable cannot by vertue of such Warrant, break the House where the Party is; for he is no Offender before he refuse the Oath or commit some contempt to the King.

Indictment.

LXXXVI. *The Laws, &c.* 247. *Abr.* 263. Shall stand and be Presented, Indicted or Convicted, 7 Jac. 6. § 26. N. 4. These words being in the Disjunctive, it is not necessary that the party be convicted; but if he stand Presented or Indicted for not coming to Church, or not receiving the Sacrament and be under the degree of a Baron, the Justice of Peace ought to tender him this Oath.

Interdiction.

LXXXVII. *The Lands, &c.* 247. 248. *Abr.* 264. And the said Justice shall find cause of Suspicion, 7 Jac. 6. § 26. N. 4. And not if the party be suspected, as *Wingate Crown* 150. mistakes; for the bare suspicion of the Justice of Peace, or any other person, is no sufficient ground to require the Oath, or commit the party for refusal; but there must be some good Cause for that Suspicion, and the same must be alledged in the Justice of Peace his Plea or Justification, if he be sued for committing him to Prison for such refusal. So if a Man be Arrested on Suspicion of Felony, and brings his Action for false Imprisonment, the Defendant ought to shew some Matter in Fact to induce his Suspicion: For in these and the like Cases, a bare Suspicion is no Justification sufficient, it being a Matter secret and not traversable, but the Cause of Suspicion is traversable, 3 *Bulstr.* 284. *Weale* vers. *Wells*, 7 *Ed.* 4. 20. & 17 *Ed.* 4. 5. & 5 *H.* 7. 4. And whether the Supposition be just and lawful shall be tryed and determined by the Justices 2 *Inst.* 52. 11. *Ed.* 4. 4.



LXXXVIII. *The Laws, &c.* 284. *Abr.* 265. *That then any one Justice* *Justices.* of Peace, 7 *Jac.* 6. §. 26. N. 4. What was said by Coke Chief Justice in *Griffiths Case*, 2 *Bullstr.* 155. that any one Justice of Peace may minister this Oath, is to be understood of some Cases only, 12 *Co.* 130. which are no others than those here mentioned, as he explains his meaning 12 *Co.* 132. That one Justice of Peace cannot Commit any for refusal of this Oath, unless they be Prosecuted, Indicted, or Convicted, &c. according to 7 *Jac.* 6. §. 26. N. 4. *Supra.*

LXXXIX. *The Laws, &c.* 248. 249. 250. *Abr.* 266. *Within whose* *Lit.* *Commission or Power such Person or Persons shall at any time hereafter be,* 7 *Jac.* 6. 26. N. 4. A Person complained of, and against whom cause of Suspicion is found by the Justices of Peace, flyeth into another County, *Quare* whether a Justice of Peace of that other County can require the Oath of him, and Commit him upon refusal, for he seems to be impowered thereunto by the express words of the Statute, for that the Party is slain within his Commission or Power, &c.

But yet I conceive that 7 *Jac.* 6. §. 26. N. 4. by these words (*Any one Justice of Peace within whose Commission or Power, &c.* is designed or intended no other Justice than a Justice of that County where the Party was complained of and suspected: And that if he fly into another County, no Proceedings can be there upon the complaint and suspicion in the County whence he came, nor any one Justice tender him the Oath, or Commit him for refusal, without a new complaint and cause of Suspicion in the County whither he flieth.

For where the Party cannot be Indicted of a *Premunire* for refusing the Oath upon the second tender at the Assizes or Sessions, by 7 *Jac.* 6. §. 26. N. 6. there the Justice, or Justices of Peace, out of Sessions cannot tender the Oath, or Commit for refusal; for a Commitment is in order to a second tender, and an Indictment of *Premunire* thereupon: But in this Case the Party cannot be Indicted of a *Premunire* in the County where he flyeth for refusing it upon the second tender: For the Offence for which the Party must be Indicted is a complicated Offence, consisting of several Particulars. 1. In giving just cause of Suspicion, without which the Party complained of, according to this Act, 7 *Jac.* 6. §. 26. N. 4. cannot be tendred the Oath by one Justice of Peace. Then 2. in refusing the Oath before the Justice of Peace who tendred it. And lastly, 3. in refusing it upon the second tender at the Assizes or Sessions; all which must be comprised in the Indictment.

So that the cause of Suspicion is *pars Criminis*, and that arising in the County where the Party dwelt, and was complained of, cannot be punished in another County, unless the Statute 7 *Jac.* 6. §. 26. N. 4. had expressly made it Examinable there, *Supra.*

2. True it is, that some Statutes do enable Justices of Peace to punish an Offence done in another County; but that is where they enable them likewise to examine the truth of the Fact, and take Proofs and Evidences thereof. So 1 *Jac.* 27. §. 5. N. 2. & 7 *Jac.* 11. §. 8. N. 3. & *Supra.* empower the Justices of Peace where the Party is apprehended, to examine and punish the Offence: But in our Case, the cause of Suspicion arising in one County, is not made examinable, and consequently not punishable in another County; and if not punishable there, no Justice of Peace of that other County can proceed upon that cause of Suspicion, notwithstanding the Party happen to be within his Commission or Power.

3. But yet the Party so flying into another County, may without any new Complaint or Cause of Suspicion, be tendred the Oath, and proceeded against there by two Justices of Peace, *Quorum unus, &c.* by virtue of the

the foregoing words of this Oath, 7 Jac. 6. § 26. N. 2. although he dwell in another County, and that for the Reason before given, viz. because this Oath *Sequitur personam non locum*.

4. But *Wingate Crown* 150. saves the labour of this Question, for he erroneously retrains the Power of tendering the Oath in this Case to the Justice of Peace to whom the Complaint is made, as if no other Justice of Peace of that County could proceed therein, which is contrary to the express words, as well as the meaning of 7 Jac. 6. § 26. N. 4.

5. Note that *Dalt.* 107. cap. 45. saith, It seems requisite that the Justice, or Justices of Peace, do make like Certificate, as 3 Jac. 4. § 13. N. 5. at the next Assizes or Quarter-Sessions, of such Persons as have taken this Oath before them, by force of 7 Jac. 6. § 26. N. 4. But upon what ground Mr. *Dalton* thought this requisite to be certified at the Assizes, I know not, seeing there is no such Certificate to be made by 3 Jac. 4. § 13. N. 5. but only to the General or Quarter-Sessions of the Peace.

6. And as for the Sessions, I conceive, neither the Justices of Peace, if they proceed on 7 Jac. 6. § 26. N. 4. and not upon 3 Jac. 4. § 13. N. 5. are bound to make such Certificate, nor the Clerk of the Peace, or Town-Clerk to record it, for it is not here required to be done.

7. But yet in such Cases where the same Persons are impowered by both these Statutes to require and minister this Oath, as where the Party is Convicted or Indicted of Recusancy, in which Case two Justices of the Peace, *Quorum unus, &c.* may require the Oath by the special words in 3 Jac. 4. § 13. N. 2. or of the general words in this Clause of 7 Jac. 6. § 26. N. 2. And it doth not appear upon which of these Statutes they proceed, as it may some times so happen there, if the Party take it, it will be safest for the two Justices to make such Certificate to the next General or Quarter-Sessions, as is appointed 3 Jac. 4. § 13. N. 5. and for the Clerk of the Peace or Town-Clerk to Record it.

Oath.

XC. *The Laws, &c.* 251. *Abr.* 268. Shall refuse to take the said Oath duly tendered to him or her, 7 Jac. 6. § 26. N. 5. If the Persons Authorized to tender this Oath ask the Party whether he will take it, and he saith he will not, *Quere* whether this be such a tender and refusal as shall make the Refuser liable to be imprisoned and proceeded against by force of this Act, unless he or they who tender it have in readiness both the form of the Oath and the Book to swear on; for it is to be presumed that the Act intends all requisite Circumstances ready to enable the one to minister, and the other to take the Oath.

And 'tis held by some, That before there can be any such refusal of this Oath as is here intended, it ought to be read, or offered to be read to the Party, especially if he be Illiterate, or if he be not, yet that at least it ought to be offered to him for himself to read it, for perhaps the Party never saw or heard it; And in such Case it would be against Reason that the refusal should be Penal. And therefore in 9 Jac. upon the tender of this Oath at *Serjeants Inn* in *Fleetstreet*, it was read by order of the Judges there.

XCI. *The Laws, &c.* 251. *Abr.* 269. To the Common Goal, 7 Jac. 6. § 26. N. 5. The Justices of the Court of B. R. have used to tender this Oath in Court as Justices of Peace of *Middlesex*, and upon refusal the Party is to be Committed to the Prison of the *Marshalsey*, which is the ordinary Prison of that Court, until the next Sessions, 2 *Bulstrode* 155. *Dyer* 297.

XCII. *The Laws, &c.* 258. 259. *Or of Oyer and terminer*, 3 *Car.* 1. *Justices.* Chap. 2. (3.) § 3. *N.* 1. Justices of Peace cannot take an Indictment upon this Statute; for no Inferior Court shall take Authority by any Statute, unless it be specially named, *Savile* 135. *pl.* 212. *Agard and Candish.*

And although Justices of Peace have in their Commission, § 14. an express Clause, *ad audiend' & terminend'*, and by that are Justices of *Oyer and, Terminer* yet forasmuch as there is a Commission of *Oyer and Terminer* known distinctly by that name and the Commission of Peace is known distinctly by another name, they shall not be included under the general words of Justices of *Oyer and Terminer*, as was adjudged 3 *Cr.* 87. *Hill* 30 *Eliz.* *B. R.* in *Smiths Case*, who was indicted at the Sessions of the Peace in the County of *Oxford*, on 5 *Eliz.* 14, of forging Deeds, which impowers Justices of *Oyer and Terminer* to enquire of, hear, and determine that offence, and yet the Indictment before the Justices of Peace was quash'd, as taken *Coram non Judice*, 9 *Co.* 118. 3 *Inst.* 103. & 3 *Cr.* 601. *Wilsons case* and 3 *Cr.* 697. *Hunts Case.* See *Justices.*

XCIII. *Lambert* 2. cap. 7. pag. 194. 195. If any Person to whom any *Agnus Dei*, Cross, Picture, Bead, or such superstitious thing from the See of *Rome*, or the Authority thereof, shall be offered or delivered, do disclose the Name and dwelling, or Place of resort of such offerer or deliverer, to any Justice of the Peace of that Shire where he to whom such offer or delivery is shall be resiant, then the Justice must within 14. days next after declare the same to some one of the Kings Privy Counsel 13 *Eliz.* 2. § 8. *N.* 1. *Supra.* *Crompt.* 14 b. 15 a. 168 b. *Justices.*

XCIV. *Lambert* 225. Receiving of Jesuits or Seminary Priests contrary to 27 *Eliz.* 2. § 4. *N.* 1. *Supra*, and the refusal of Seditious Sectaries, and of Popish Recusants to abjure the Realm, and their return after abjuration made against 35 *Eliz.* 1. § 3. *N.* 1. & 35 *Eliz.* 2. § 10. *N.* 1. are Felonies against the Body of the Commonwealth. *Coron.*

XCV. *Lambert* 293. 294. Any one Justice of Peace of that Limit, Division or Liberty where the party dwelleth, upon proof by Confession of the Party, or Oath of Witness, may call before him the Party offending, in not repairing every Sunday to some Church, &c. according to 1 *Eliz.* 2. § 14. *N.* 1. And if he or she cannot make a sufficient excuse thereof, the same Justice may give his Warrant to the Church-warden of the Parish whereby the offender dwelleth to distrain for 12 d. for every such default, and for want of distress to imprison the Offender untill payment be made, 3 *Jac.* 4. § 27. *N.* 2. *Religion.*

XCVI. *Lambert* 294. Before some Justice of Peace of the County, Liberty or Limit where the Parents of a Child sent beyond the Seas against this Act, 3 *Jac.* 5. § 16. *N.* 1. did dwell, such Child shall take the Oath expressed 3 *Jac.* 4. § 15. *N.* 1. And they that were beyond Seas before the making of this Act are to take the same Oath within six Months after their return, being of Eighteen years of Age or more, before some Justice of Peace where such Person inhabiteth, or remaineth, before they can take benefit of any gift, Conveyance, &c. of any Lands, Tenements, &c. 3. *Jac.* 5. § 17. *N.* 2. *Oath.*

XCVII. *Lambert* 294. Popish Recusants indicted or Convicted and other Persons which have not repaired to some usual Church or Chappel, and there heard Divine Service by the space of three Months last past, dwelling or which shall dwell in any County within ten Miles of the City of London, shall depart from thence according to 3 *Jac.* 5. § 3. *N.* 1. and deliver up his or her name to the next Justice of Peace in the same County upon pain of forfeiture of C l. *Supra.* *Liou.*

XCVIII.



Submission.

XCVIII. *Lambert* 333. Any two Justices of Peace of the County where any of his Majesties Subjects not being a Jesuit, Seminary Priest or other Priest, Religious or Ecclesiastical Person &c. now being, or which hereafter shall be of or brought up in any Colledge of Jesuits, or Seminaries, shall Arive within six Months next after proclamation to be made in that behalf in the City of London, under the great Seal of England, may within two days next after such return receive his Submission under the Oath set forth by 27 *Eliz.* 2. § 5. N. 1. *Infra.*

Religion.

XCIX. *Lambert* 197. If any Person above sixteen years of Age do by the space of Twelve Months forbear to repair to some Church, Chappel, or usual place of Common Prayer, contrary to the tenor of 1 *Eliz.* 2. § 14. N. 1. then any Justice of Peace of the County where such offender shall dwell or be, may make Certificate thereof in Writing in *B. R.* to the end that the offender may thereupon be bound in CC l. at the least, with sufficient sureties, to the good behaviour for that his so long obstinacy, besides the other Penalties 23 *Eliz.* 1. § 5. N. 2. *Crompt* 13 b. 144.

Justices.

C. *Lambert* 197. Any Justice of Peace within the County in which any Jesuit, Seminary Priest, or other Priest, Deacon, or Religious or Ecclesiastical Person mentioned in this Statute, shall arrive or land, may within three days after take the Submission Oath and Acknowledgment of him, touching his Obedience to the Kings Majesty, and to his Laws and Ordinances provided in Cases of Religion, 27 *Eliz.* 2. § 10. N. 1. *supra.* *Talt.* 104. cap. 45.

Notice.

CI. *Lambert* 197. 198. And every Subject having understanding that any such Jesuit, Seminary Priest, or other the abovesaid, shall be within any the Kings Dominions, contrary to the meaning of this Statute, ought to discover the same to some Justice of Peace, or other higher Officer, within twelve days after such his knowledge, under the pain of a Fine and Imprisonment; and that Justice of Peace ought within 28 days after such discovery made unto him, to give Information thereof to one of the Kings Privy Council, under the pain of CC Marks, 27 *Eliz.* 2. § 13. N. 1. *Crompt.* 45. *Dalt.* 104, 105. cap. 45.

Forfeiture.

CII. *Lambert* 198. The Party that doth first discover to any Justice of Peace any Recusant or other, entertaining or relieving any Jesuit, Seminary or Popish Priest, or any Mass to have been said, and any of them that were present thereat, within three days after the Offence, and by reason of his discovery any the Offenders be taken and Convicted, shall be freed from danger of the Offence if he be an Offender therein, and have the third part of the Forfeiture by such Offences, 3 *Iac.* 5. § 1. N. 3. *Dalt.* 105. cap. 45.

Oath.

CIII. *Lambert* 333, 334. Any two Justices of Peace may require any Popish Recusant, not making Submission according to this Statute, to abjure the Realm upon his Corporal Oath before them, 35 *Eliz.* 1. § 2. N. 1. *Dalt.* 104. cap. 45. *infra.*

Justices.

CIV. *Lambert* 334. Any two Justices of Peace of the County where he shall arrive, may take the Submission of a Person reconciled to the See of Rome, within six days after such persons return into this Realm, and minister the Oath 1 *Eliz.* 1. § 19. N. 4. of Supremacy and of Allegiance, and are to certify the same Oaths so taken at the next Quarter-Sessions, upon pain of Forfeiture of Forty pounds, 3 *Iac.* 4. § 24. N. 1.

Process.

CV. *Lambert* 334. Any two Justices of Peace may search the Houses and Lodgings of every Popish Recusant Convict, or of every person whose Wife is a Popish Recusant Convict for Popish Books and Relicks of Popery: And if any Altar, Pix, Beads, or Pictures, or such like Popish Relicks or Books be found, as in the opinion of the said Justices shall be thought unmeet

meet for such Recusant to have and use the same, they shall be presently defaced and burnt (being meet to be burnt.)

And if a Crucifix, or other Relick of any Price, the same is to be defaced at the General Sessions of the Peace, and restored to the owner, 3 *Iac.* 5. § 26. N. 1. *Lambert* 607. *Dalt.* 108. cap. 45.

CVI. *Lambert* 118. Moreover, it seemeth to me that all these Statutes (*viz.* 23 *Eliz.* 1. § 5. N. 2. &c.) have this one meaning, that a Party so bound may afterward forfeit his Recognisance if he afterwards offend against the said Statutes.

CVII. *Lambert* 224. The Treason 1 *Eliz.* 1. § N. of extolling *Justices.* And 23 *Eliz.* 1. § 2. absolving or withdrawing Subjects from Obedience, and 13 *Eliz.* 2. § 2. N. 1. of putting in ure Instrument of Reconciliation to Rome, are publick Felonies that concern the King, and Justices of Peace can only enquire and receive Indictments, *Lambert* 506. *Infra.* *Crompt.* 192.

CVIII. *Lambert* 495, 496. Ecclesiastical Causes enquirable in Sessions. *Romi.*  
1. If any Person have within this half year, by writing, printing, teaching, preaching, expresse deed or act, advisedly, maliciously, and directly affirmed, held, set forth, or defended the Authority, Preheminence, Power, or Jurisdiction Spiritual or Ecclesiastical, of any foreign Prince or Person whatsoever heretofore claimed, used, or usurped in this Realm, or any the Kings Dominions, *Crompt.* 124, 192.

2. Or have advisedly, maliciously, or directly put in use, or executed any thing in the extolling, setting forth, or defence of any such pretended or usurped Jurisdiction, Preheminence, or Authority, or any part thereof, *Crompt.* 15.

3. Or if any Person compellable to take the Oath of Recognition of the Kings Majesty to be Supream Governour in all Causes within his Dominions, have refused to take the said Oath, after lawful tender thereof to him made, 1 *Eliz.* 1. § N. & 5 *Eliz.* 1. § N. enquirable by words of 23 *Eliz.* 1. § 8. N. 1. *Oath.*

4. *Lambert* 496, 497. If any Person under the Kings Obedience have at any time within this year, by writing, cyphering, printing, preaching, or act advisedly, holden, or stood with to extoll or defend the Power of the Bishop of Rome, or of his See heretofore claimed or usurped within this Realm, *Crompt.* 15. *Treasor.*

5. Or by any Speech, open Deed or Act, advisedly attributed such manner of Authority to the said See of Rome, or to the Bishop thereof, within any the Kings Dominions, ye shall present him, his Abettors, Procurors, Counsellors, Aiders and Comforters, 5 *Eliz.* 1. § 2. N. 2. *Crompt.* 15 b.

6. If any Person have by any means practised to absolve, perswade, or withdraw any other within the Kings Dominions from their natural Obedience, or for that Intent from the Religion now established here to the Romish Religion, or to move them to promise obedience to the See of Rome or other Estate, *Crompt.* 17 b. 18.

7. Or if any Person have been willingly so absolved or withdrawn, or have promised such obedience, 23 *Eliz.* 1. § 2. N. 5. *Crompt.* 14 b. 18.

8. And if any Person have willingly aided or maintained any such Offender, or knowing such offence have concealed it, and not within 20 days disclosed it to some Justice of Peace, or other higher Officer, 23 *Eliz.* 1. § 3. N. 1. *Crompt.* 14 b. 18.

9. If any Subject of this Realm have after the Tenth day of *June 1606.* gone out of this Realm to serve any foreign Prince, State, or Potentate: Or have after the Tenth day passed over the Seas, and there hath voluntarily served any such foreign Prince, &c. not having taken the Oath expressed 3 *Jac.* 4. § N. before the Custom and Comptroller of that Port, Haven or Creek where he had Passage.

10. If any Gentleman or Person of higher Degree, or any Person which hath born any Office, Place, or Charge in any Camp, Army, or Company of Souldiers, or Conductor of Souldiers, have gone voluntarily out of the Realm to serve any foreign Prince, State or Potentate, before he became bound by Obligation, with two sufficient Sureties, unto the King, his Heirs or Successors, according to this Act, 3 *Jac.* 4. § 19. N. 1.

11. *Lambert* 408, 409. If any have said or sung Mass, or have willingly heard Mass, 23 *Eliz.* 1. § 4. N. 1.

12. If any Person have used or put in ure any Bull, Writing, or Instrument of Absolution or Reconciliation, or of other sort gotten from the Bishop of *Rome* or See of *Rome*, or from any Person claiming Authority from the same, *Crompt.* pl. 14 b. 17 b. 18 a.

13. Or have by colour of any such, taken upon him to absolve or reconcile any persons, or have published any such Bull or Instrument.

14. Or if any Person have received such Absolution, or have procured, abetted, or counselled any such Offender to the intent to uphold such offence.

15. If any Person have, after such offence, aided, comforted, or maintained such Offender to the Intent to uphold the Authority of the said See of *Rome*, *Crompt.* 14 b.

16. If any Person to whom such Bull or Instrument hath been offered or perswaded, hath not within six weeks next after signified the same to some of the Kings Privy Council, or to the Kings Privy Council, or to the Lord President of the North, or of *Wales*, *Crompt.* 14 b. 168 b.

17. If any Person have brought hither from the Bishop, or See of *Rome*, or from any Person Authorized, or claiming to be Authorized by any of them, any *Agnus Dei*, Crosses, Pictures, Beads, Graile, or such like Superstitious things, and have the same delivered, or caused or effected to be delivered to any the Kings Subjects, to use or wear in any wise, and if any Person have to such intent received or taken the same, and have not apprehended the offender thereof, nor within three days after disclosed him to the Ordinary, or to some Justice of the Peace, nor within one day delivered the thing to some Justice of the Peace, 13 *Eliz.* 2. § 8. N. 1. *Crompt.* 14 b. 15 a. *D. ult.* 105. cap. 45.

18. If any Person being at liberty, or out of hold, have since 8 *May*, 27 *Eliz.* wittingly and willingly received, aided, or maintained within any part of his Highness Dominions, any Jesuit, Seminary Priest, or such other Priest Deacon, or Religious or Ecclesiastical person, being born within this Realm or any his Highness Dominion's, and at any time since *Midsummer* 1 *Eliz.* made, ordained, or professed by any Authority derived, challenged, or pretended from the See of *Rome*, knowing him to be a Jesuit, Seminary Priest, or other such Priest, Deacon, or Religious or Ecclesiastical Person, 27 *Eliz.* 2. § 4. N. 1. *Crompt.* 45.

*Certification.*

CIX. *Lambert* 367. 368. That Justices of Peace which doth not within fourteen days after matter uttered to him concerning any *Agnus Dei*, &c. signifie the same to one of the Kings Privy Council, shall incur the pains of 13 *Eliz.* 2. § 5. N. 1.

And



And that Justice of the Peace which alter discovery made unto him by any Person that any Jesuit, Seminary or other Ecclesiastical or Religious Person, professed by any Authority from the See of *Rome*, is abiding within any the Kings Dominions, shall not within Twenty Eight days then next following, give information thereof to some of the Kings Privy Council, or to one of the Presidents in *Wales* or in the North, shall forfeit for every such offence CC Marks, 27 *Eliz.* 2.

CX. *Lambert* 368. Those Justices of Peace that neglect to certify at the next General or Quarter-Sessions, the Oaths taken in the submission of any Person reconciled to the See of *Rome* returning into this Realm, shall lose xl l. 3 *Jac.* 4. § N. certificate.

CXI. *Lambert* 412, 413, 414. Inquiry in Sessions if any Person being above the Age of sixteen years, and not having lawful and reasonable excuse to be absent have not repaired and resorted unto his or her Parish Church or Chapel accustomed, or upon let thereof, to some usual place where Common Prayer is to be used upon every Sunday and other Holy-day, and have not there orderly and soberly abiden during the time of such Common Prayer, Preaching, or other service of God, and how long such Person hath forborn so to repair and resort, 1 *Eliz.* 2. § 4. N. 1. & 23 *Eliz.* 1. § 5. N. 1. *Crompt.* 13. *Dalt.* 104, 105. cap. 45. Religion.

2. If any Person have, after one Month after the making of this Statute, willingly maintained, retained, relieved, kept, or harbored any Servant, Sojourner, or stranger, not repairing to some Church, Chapel, or usual place of Common Prayer to hear Divine Service, by the space of one Month together, not having a reasonable excuse, other then such as harboreth his Father or Mother not having other sufficient maintenances, or the ward of any person, or any person committed to the Custody of any by Authority, or have retained or kept in service, fee, or livery, any not repairing to some Church as before, by the space of a Month together, knowing the same, 3 *Jac.* 4. § N.

3. If any conformed Popish Recusant have not within the first year after he hath conformed him or her self and after the said first year, once in every year following at the least, received the blessed Sacrament of the Lords Supper in the Parish Church where he or she have most usually abiden within the said year, and if there were no Parish Church, in the Church next adjoining: And if he or she have received the said Sacrament as aforesaid and after have estoons offended in not receiving the same as is aforesaid by the space of a year 3 *Jac.* 4. § N.

4. If any Popish Recusant, or other Seditious Sectary, which is by any the Statutes 35 *Eliz.* 1. 2. to be abjured this Realm, and all his Majesties Dominions, have either refused to make such abjuration, or making it, have not gone to such Haven within such time as was to him therefore appointed, and have not from thence departed this Realm, or after such departure have returned unto any his Majesties Dominions without his special licence, 35 *Eliz.* 1. § 2. N. 1. & 35. *Eliz.* 2. § 8. N. 4.

5. If any Person have kept or maintained any Schoolmaster which resorteth not to the Church, or is not allowed by the Bishop or Ordinary of the Dioces, 23 *Eliz.* 1. § 6. N. 1. *Crompt.* 16.

CXII. *Lambert* 598. 599. The Justices of Peace may in their open Quarter-Sessions enquire of, hear, and determine all offences except Treason and Misprision of Treason committed against 23 *Eliz.* 1. § 9. N. 2. made for retaining the Kings Subjects in their due Obedience, *Supra.* *Lambert* 607. or 3 *Jac.* 4. § Justice.

2. They may also in their open Quarter-Sessions Enquire of such as do extol the usurped Authority of the See of Rome against 5 *Eliz.* 1. § 3. N. 1. and the Clerk of the Peace must read that Act at every of the Quarter-Sessions.

*Abjuration.*

CXIII. *Lambert* 605, 606, 607. The abjuration of a Seditious Secretary ought to be made in the open Quarter-Sessions of the Peace, and there to be entred of Record, 35 *Eliz.* 1. § 2. N. 1. and the place certain, and Name of a Popish Recusant limited by this Statute unto a place certain, ought to be certified by the Minister and Constable that took and entred it, to the next Quarter-Sessions of the Peace and there be entred of Record in the Roles of the Sessions by the Clerk of the Peace, 35 *Eliz.* 2. § 7. N. 1.

2. The penalties forfeited by a conformed Recusant, for not receiving the Sacrament according to this Statute, may be recovered before the Justices of Peace at their Quarter-Sessions, 3 *Jac.* 4. § 3. N. 5.

3. The Monthly absence from Church of Popish Recusants, and their Childrens Names of Nine years of Age and upwards abiding with them, and their Servants Names ought by the Churchwardens and Constables to be yearly presented at the Quarter-Sessions, and by the Clerk of the Peace, or Town-Clerk, Recorded in the said Sessions 3 *Jac.* 4. § 4. N. 1.

4. Justices of Peace at any their Quarter-Sessions have Power to enquire, hear, and determine of all Recusants and offences, as well for not receiving the Sacrament according to this Law, 11 *Co.* 61 a. 63 b. as for not repairing to Church, according to former Laws in such manner as Justices of Assize and Goal delivery may do, 3 *Jac.* 4. § 7. N. 1.

5. And at the Sessions in which any Indictment for not repairing to Church, or receiving the Sacrament, shall be taken to make Proclamation for the rendring of the Offenders body to the Sheriff, &c. before the next Quarter-Sessions, at which if the Offender shall not make appearance of Record, the same shall be a sufficient conviction of the offences whereof he was Indicted, 3 *Jac.* 4. § 7. N. 2.

*Oath.*

6. The Oath of allegiance appointed by this Statute may be required in the Quarter Sessions of such Person as was formerly convicted for refusing the same, 3 *Jac.* 4. § 14. N. 2. and such Person, or any other whatsoever, refusing the said Oath, being tendered in the said Sessions, shall incur the Danger of *Premunire*, 3 *Jac.* 4. § 14. N. 3.

Except Women covert who shall only be committed by the Justices of Peace in their Quarter Sessions to the Common Goal, without Bail or mainprize, till they will take the said Oath 3 *Jac.* 4. § 14. N. 4.

7. By Warrant of five Justices of Peace at their General or Quarter Sessions, Recusants Armor, Gunpowder and Munition, shall be taken from them, other then necessary Weapons to be allowed them by the said Justices for their defence, and shall be maintained at the costs of such Recusants in such places, as the said Justices, at their said Sessions, shall appoint, 3 *Jac.* 5. § 27. N. 1.

8. And if they shall refuse to declare what Armor they have, or disturb the delivery thereof, the Person offending shall forfeit the same Armor &c. and be Imprisoned three Months without Bail or Mainprize 3 *Jac.* 5. § 28. N. 1.

*Justices.*

CXIV. *Crompt.* 12 b. By 23 *Eliz.* 1. § 8. N. 1. Justices of Peace may enquire within the year and day of these Articles (*viz.* 1 *Eliz.* 2. &c.) but they cannot hear and determine them, but the Justices of Oyer and Terminer, or of Assize may, by 23 *Eliz.* 1. § 9. N. 1. hear and determine, but *vide* 23 *Eliz.* 1. § 9. N. 2. If Justices of Peace cannot award Process upon the Indictment untill he appears and pleads to the Indictment, and then for Tryal send the Record in *B. R.* to the intent it shall be tried by *Nisi prius*,

*prius*, or if he ought to send the Indictment in *B. R.* Immediately without awarding Process, because they have no Authority by 23 *Eliz.* 1. § 9. N. 1. but only to enquire, &c.

CXV. *Crompt.* 12. b. It seemeth that that party being hereof Indict- *Amercement.*  
ed (*viz.* on Articles of 1 *Eliz.* 2. &c.) shall be fined by the Discretion of the Court, though no Fine is given in this Case by the said Statute, in as much as the Statute saith (*viz.* 1 *Eliz.* 2. §. 3. N. 1.) that they shall be bounden to say and use the Common Prayers, &c. *ut supra*, Quære the intent of the Statute in this point, *Fines pro*, &c. *Br.* 21. *Golsb.* 162. pl. 95.

CXVI. *Crompt.* 12. b. §. 5. Every Priest though he be no Vicar, Parson, *Encumbent.*  
or stipendary Chaplain, nor obliged nor bound by his Cure to serve, &c. is within the purview of the Statute, by reason of the first Clause (*viz.* 1 *Eliz.* 2. § 3. N. 1.) That all and singular Ministers in any Cathedral or Parish Church, or other place, &c. which may be intended, a Minister local and inducted, and at length by the Opinion of all the Justices but one, it was held that he should be within the Statute.

And this by reason of this Clause 1 *Eliz.* 2. § 4. N. 1. And that if any manner of Parson, Vicar, or other whatsoever Minister, &c. whereby the meaning of the Parliament appears, that the superstitious Service in the Church should be abolished, and the true Service planted in lieu thereof, &c. *Dyer* 203.

CXVII. *Crompt.* 13. a. Item you shall enquire if any one hath sung or *Forfeiture.*  
said Mass, being thereof convicted, he shall forfeit CC Marks and shall be imprisoned a year, and thence untill he hath paid the said Sum, 23 *Eliz.* 1. § 4. N. 1.

1. And if any voluntarily hath heard Mass, he shall forfeit C. Marks, and shall be Imprisoned for a year, 23 *Eliz.* 1. § 4. N. 2.

2. Also of such who having no reasonable excuse do not resort to their *Church.*  
Parish Churches or Chapel every Sunday and Holy day, or having any lawful excuse to any other usual place where Common Prayer is used, and there abide discreetly, during the time of the Service, Preaching, and other Service, &c. he shall lose for every such offence 12. *d.* to the use of the Poor of the same Parish, to be levied by distress by the Church-wardens to the use of the Poor, and shall be further punished by the censures of the Church, 1 *Eliz.* 2. §. 14. N. 1. and 23. *Eliz.* 1. § 5. N. 1. *Dalt.* 105. cap. 40.

3. Also of such being above the Age of sixteen years, who do not resort to some Church, Chappel, or usual place of Common Prayer, but forbears it against the form of the Statute 1 *Eliz.* 2. § 14. N. 1. shall forfeit for every Month that he is absent xx *l.* and if he forbears so to do by the space of Twelve Months, he shall be bound with two Sureties in 200 *l.* to his good behaviour in *B. R.* on Certificate to be made there in writing by the Ordinary, or by one Justice of Peace of the same County, where the Offender abides, or shall be, and so shall continue bound untill he will conform himself and come to Church, according to the same intent of the said Statute, 23 *Eliz.* 1. § 5. N. 1. 2. 3. *Lamb.* 197. *Supra.*

CXVIII. *Crompt.* 14. If a Feme Covert be a Recusant, the forfeiture *Baron & Feme*  
of xx *l.* a Month shall be levied of the goods of the Husband, because she is amenable by Intendment of Law at the will of the Husband, *ut Dicitur*, See *Supra.* *Dalt.* 105. cap. 45.

CXIX. *Crompt.* 15. 16. See Resolutions 9 *Febr.* 11 *Eliz.* in *Dyer* 281 b. *Fool's.*  
282 a. pl. 22. put as followeth.

If a Man, being out of the Realm, writes Books against the Kings Supremacy, and thereby attributes Jurisdiction to the See of Rome to be observed within the Realm, and the same Books are brought unto the Realm by such of the Kings Subjects who know the effect thereof, and are by



them secretly uttered and sold to divers Persons, knowing also (by report) the same Books to contain matter extolling the said usurpt Authority, and after they to whom these Books are delivered, read them to themselves secretly, to the intent thereby to be the more able to defend this Opinion, but they have no conference thereof with any others, whether they brought these Books, and they who read them be Offenders against 5 Eliz. 1. § 2. N. 1. *Lambert* 496. 497.

1. The Resolution of all the Justices of both Benches, the Chief Baron being present, as to the first point agreed, that they who had brought these, and who had delivered them, *ut Supra*, are offenders by the words of the said Statute, 1 Eliz. 1. § 2. N. 1. *Hold and stand with to set forth.*

2. But as to the second point, *viz:* the Receivers and Readers of these Books only, and doing no further act or attribution by conference and allowance, &c. all but two held it no offence.

3. *Item*, If any one obtains any such Book, *ut Supra*, into his hands, and afterwards reads and confers thereon with any other Person, and in his conference by any Speech or words allow this Book to be good, it was resolved by all clearly within the danger of the said Law, 5 Eliz. 1. § 2. N. 2 by attribution.

4. *Item*, If a man hears of the Contents of such Book by report of another, and by any Speech thereon commend or affirm it to be good.

Or if a man having such Book in his Custody, and knowing the Contents thereof, conveys it secretly to his Friend, to the intent that he should read it, and thereby perswade him to be of his opinion touching Supremacy, *Quare* of him, *ut Supra*, and it was resolved that both are within the Danger of 5 Eliz. 1. § 2. N. 1. especially the first.

5. Two were executed for Printing certain Books Seditiously penned by one *Robert Brown* against the Book of Common Prayer established by Parliament, *Stow*, &c. 1187. and the Books Burnt, *An. Eliz.*

6. *Item*, If a Man Imprints any of these Books within this Realm, and utters them, it was resolved by all clearly to be within the Danger of the said Statute, 5 Eliz. 1. § 2. N. 1.

*Item*, If any of these Books be made and Written within the Realm, and afterwards sent out as a thing done out of the Realm, and these are brought, read, and conference had upon them, *ut Supra*, it was resolved by all to be within the Danger of the said Law.

*Fish.*

CXX. *Crompt.* 16 b. Inquiry in Sessions if any hath affirmed that the Eating of Fish, or the forbearing to Eat Flesh is of necessity for Salvation of souls, or that it is the service of God, or other then for common Policy, shall be punished as spreaders of false News, 5 Eliz. 5. § N.

*Jesuits.*

CXXI. *Crompt.* 45. Charge in Sessions to enquire if any one hath voluntarily received, aided, relieved, or comforted any Seminary Priest, Jesuit, &c. being at liberty or out of hold, knowing him to be a Jesuit, &c. this is Felony and shall lose Clergy, 27. Eliz. 2. § 4. N. 1. *Supra*. N. 18.

*Accessory.*

The Statute doth not give expressly that Justices of Peace shall inquire hereof, but in as much as it is Felony, and they have Power by the Commission, to inquire of all Felonies, they may, &c.

CXXII. *Crompt.* 45 b. The Bayliffs of *Stafford* came to the House of one *W.* to attach a Jesuit, who was saying Mass there, and certain others who were there hearing Mass, as it was said, who shut the door and would not suffer the Bailiffs to enter to attach the Jesuit, and hereupon they were arraigned and convicted of Felony, as of aiding the Jesuit 27 Eliz. 2. § 4. N. 1.

N. 1. at the Assizes at *Stafford*, 30 *Eliz.* and the Jesuit was executed, *Crompt.* 53 b.

CXXIII. *Crompt.* 104 b. § 53. Its held a good Indictment where its said, *Indictment.*  
*Contra formam statuti in Parlamento, tent' apud Westm.* (not said in  
*Com. Middlesex*) *An.* 1 *Eliz.* in *Dyer* 203, pl. 72. Dr. Clerk, and Sir *Edw*  
*Walgraves* Case, where it appears that an Information was put in *B. R.*  
 against certain Persons, for saying and hearing Mass, &c. *unde Indicta-*  
*ti existunt coram Commissis*, &c. and shew their Names and the Sessions in  
 certain, and made not any special recital of the Act, 1 *Eliz.* 2. § 9.  
 N. 2. and to this Information they were put to Answer, and confest the In-  
 dictment, and had their several Judgments, *viz.* Each to forfeit C. Marks,  
 and this Indictment was on 1 *Eliz.* 2. § 9. N. 2. 4. for now he shall forfeit a  
 greater Sum by 23 *Eliz.* 1. § 4. N. 1.

CXXIV. *Crompt.* 107. § 17. An Indictment in this form, *Juratores pre-* *Avowment.*  
*sentant* (s) *A. B.* of, &c. did, &c. its not good, &c. for it should be  
 (quod) &c. and so adjudged upon an Indictment at *Stafford* of a Recusant  
 by *Manwood* Chief Baron.

CXXV. *Crompt.* 124. Inquiry at Sessions of those that maintain the *Rome.*  
 Authority of the Bishop of *Rome* against 5 *Eliz.* 1.

CXXVI. *Crompt.* 144. He shall be bound to the Good behaviour in *B. R.* *Good behavi-*  
 who absents himself from Church for a year contrary to the Statute, and so  
 shall remain until he will reform himself, and come to Church according  
 to the intent of 1 *Eliz.* 2. § N. as appears by 23 *Eliz.* 1. § 5. N. 2.

CXXVII. *Crompt.* 167. b. The Justices of peace may certifie in *B. R.* the *Certificate.*  
 name of him that absents himself from the Church for a year, contrary to  
 the Statute, and he shall be thereupon bound to his Good behaviour there,  
 according to 23 *Eliz.* 1. § 5. N. 2. *Crompt.* 195. § 12. *Dalt.* 104. cap. 45.

CXXVIII. *Crompt.* 168. The Justices shall certifie in *B. R.* every Pre- *Endicement.*  
 sentment taken before them of him that extolls, &c. the Authority of the  
 Bishop of *Rome* within Forty days after Presentment found, if the Term be  
 then open, and if it be not open, then the first day of full Term next after  
 the Forty days, on pain of Cl. by every Justice of Peace before whom its  
 taken, and that doth not make such Certificate, 5 *Eliz.* 1.

CXXIX. *Crompt.* 169. Enquiry at Sessions if he that hath received any *Accessory.*  
*Agnus Dei*, Pictures, Beads, Crosses, or such like superstitious and vain  
 things, mentioned in 13 *Eliz.* 2. § 7. N. 2. to be used or worn in any man-  
 ner within any of the Kings Dominions, contrary to the said Statute, and  
 doth not deliver it to a Justice of Peace of the same County within a day  
 after the receipt thereof: And also, if he doth not apprehend him who so  
 offered it, if he be of power to do so: Or if he be not of such Power, if he  
 doth not disclose his name and place of his habitation, or of abode (which  
 he hath endeavoured to know) to the Ordinary of the same Dioces, or to a  
 Justice of Peace of the same County, within three days after such offer, he  
 shall incur the pain of 16 R. 2. 5. § 2. N. 6. of *Premunire*. *Dalt.* 105.  
 cap. 45.

CXXX. *Crompt.* 193 b. It must be enquired within the year and day of *Church.*  
 such who being above Sixteen years old, absent themselves from Church  
 for a month or for a year, contrary to 23 *Eliz.* 1. § 8. N. 1.

CXXXI. *Lambert.* 582. The Abjuration of a seditious Sectary being *Oath.*  
 made in the open Quarter-Sessions of the Peace, ought to be certified from  
 thence to the Justices of Assize at the next Assizes, 35 *Eliz.* 1. § 2. N. 3.

CXXXII. *Dalt.* 104. cap. 45. Any one Justice of Peace may require the *Submission.*  
 Submission and declaration of Conformity to his Majesties Laws of Recu-  
 sants and Sectaries, within three Months after their Conviction, &c. and in  
 default of such Submission, may require them to abjure the Realm: which  
 Ab-

Abjuration notwithstanding shall be in open Sessions, 35 Eliz. 1. § 2. N. 1. *Lambert. 333, 334. Supra.*

*Religion.*

CXXXIII. *Dalt. 105. cap. 45.* Also this repairing to Church (1 Eliz. 2. §. 14. N. 1. & 23 Eliz. 1. § 5. N. 1. & 3 Jac. 4. § 27. N. 1.) every Sunday, must be as well to Evening Prayer as to Morning Prayers; for it ought to be an intire Day and an intire Service; and so Sir *Richard Hutton*, one of the Justices of *C. B.* did deliver it in his Charge at *Cambridge* Lent-Assizes, 1 Car. 1. and therewith agreed Sir *Robert Bartlet* at Summer Assizes, 9 Car. 1. *Dalt. Edit. 1666. pag. 134. cap. 52.*

*Licence.*

CXXXIV. *Dalt. 379. cap. 124.* A Licence for a Recusant to travel, &c. *Supra*, not sufficient.

Whereas *R. C.* of *L.* in the County of *C.* being a Recusant Convicted, hath confined himself to *L.* aforesaid, being the usual place of his abode, according to the Statute made in the Five and thirtieth year of the Reign of our late Sovereign Lady Queen *Elizabeth*, (35 Eliz. 2. § 12. N. 1.) Know ye that we, &c. five of the Kings Majesties Justices of the Peace within the said County, do by the Consent of the Right Reverend Father in God, *Nicholas*, by Gods Providence Lord Bishop of *Ely*, at the request of the said *R. C.* for the dispatch of his urgent and necessary businets, grant and give licence to the said *R. C.* to travel out of the Precincts or Compass of Five miles limited by the said Statute, at all times until the first day of *November* next coming, and at the said first day of *November* to return again to *L.* aforesaid. In Witness, &c. 3 Jac. 5. § 6. N. 4.

*Romt.*

CXXXV. *Lambert. Precedents 1 pl. 2.* An Indictment for extolling the Authority of the Pope.

Juratores super Sacrament' suum present' pro Dom. Rege quod *J. S. de C.* in Com. predict' Clericus xx. die mensis *Aprilis* An. Regni Serenissimi Dom. nostri *Jacobi*, Dei Gratia *Angliae, Franciae, & Hiberniae* Regis, Fidei Defensoris, &c. apud *D.* in Comitatu predict' scienter, consideratè, malitiose, & directè palam in presentia multorum dicti Domini Regis nostri nunc subditorum, affirmavit, & defendit Autoritatem Papæ Romani Ecclesiasticam, in hoc Regno *Angliae* preantea usurpatam, Hiis expressis verbis Anglicanis sequentibus, viz. *I swear by the blessed Maß, and will avow that our holy Father the Pope of Rome, is the supream Head of the Church of England: In magnam derogationem Regiæ Autoritatis, & Prerogativæ dicti Domini Regis nostri, ac contra Coronam & Dignitatem suam, nec non contra formam diversorum Statutorum in hujusmodi casu editorum & provisorum, & Quod A. B. de D. predict' in Comitatu predict' Wax-chandler, sciens predict' J. S. dicta verba locutum esse ac dicti Papæ Autoritatem modo & forma, ut presertur defendisse ipsum J. S. apud D. predict' postea scil. secundo die dicti Mensis Aprilis, An. supradicto consolatus est & confortavit ex industria & ex proposito & ad eam intentionem, ut idem A. B. promoveret & efferrer prefatam dicti Papæ Autoritatem usurpatam in pernitiocissimum aliorum exemplum, ac contra Coronam & Dignitatem dicti Domini Regis nostri nunc, ac etiam contra formam diversorum Statutorum in ejusmodi casu provisorum & editorum, West. Symbol. 2 part. 131 b. Sect. 210.*

*Exec.*

CXXXVI. *Lambert Precedents 1 b. pl. 3.* A Presentment for absolving from the Kings Obedience.

Inquiratur pro Domino Rege si *A. B. de C.* in dicto Comitatu Clericus, sexto die Mensis *Maij* Anno Regni Domini nostri *Jacobi*, Dei Gratia *Angliae, Franciae, & Hiberniae* Regis, Fidei Defensoris, &c. apud *C.* predict' in Comitatu predict' voluntariè & proditoriè conatus est, & procuravit, absolvere, persuadere, & seducere quandam *Johannam W. de C.* predict' in

Co-



Comitatu predict' viduam à naturali obedientia & subjectione sua, Quam eadem *Johanna* erga dictum Dominum nostrum Regem gerere debet ad obediendum pretensæ Autoritati Sedis *Romanæ* tunc & ibidem proditoriè præ se ferens & asserens se habere potestatem & facultatem id faciendi, & tunc & ibidem proditoriè dicens eidem *Johanni* in his Anglicanis verbis sequentibus (*Mother Jone you shall have a black Soul I tell you, if you do not the sooner forsake the King* (Innuendo predict' Dominum nostrum Regem nunc) *and his Heirs, and yield your self to the obedience of our Mother Church, the holy See of Rome*) ac contra Pacem dicti Domini nostri Regis Coronam & Regalem Dignitatem suam, ac contra formam Statuti in Parlamento Domine *Elizab.* nuper Regine *Angl.* tento apud *Westm.* in Com. *Middlesex*, Anno Regni sui viceffimo tertio in hujusmodi casu provisi ac editi, *West. Symbol. 2 part. 132. Sect. 211.*

CXXXVII. *Lambert Precedents*, 2. pl. 4. For a Jesuit and his Receivers.

Inquiratur pro Domino Rege si *E. G.* nuper de *S.* in Com. predicto Clericus, natus apud *S.* predict' in Com. predict' atque infra Annum jam proximè preteritum factus & professus Jesuita per Autoritatem à Sede *Romanâ* derivatam, proditoriè apud *S.* predict' in Comitatu predict' sexto die *Julij*, Anno Regni dicti Domini nostri *Jacobi*, Dei Gratia *Angl. Franciæ, & Hiberniæ* Regis, Fidei Defensoris, &c. à partibus transmarinis applicuit, & dicto sexto die *Julij* Anno supradicto, & nonnullis aliis diebus tunc proximè sequentibus apud *S.* predict' in Comitatu predict' proditoriè moram fecit ac remansit contra formam cujusdam Statuti in Parlamento Domine *Elizab.* nuper Regine *Angl.* tento apud *Westm.* in Com. *Middlesex*, Anno Regni sui viceffimo septimo in hujusmodi casu provisi ac editi, ac contra Pacem dicti Domini Regis Coronam & Dignitatem suas.

Et si *W. B.* de *S.* predict' in dicto Comitatu Mercator, scienter, voluntariè & felonice, Postea scil. sexto die dicti mensis *Julij* Anno supradicto, predict' *E. G.* apud *S.* predictam in Comitatu predictis receptavit & confortavit dicto *W. R.* ad tunc & ibidem ad largum & extra Prisonam existentem ac presat' *E. C.* hujusmodi Jesuitam esse tunc & ibidem sciente & cognoscente) contra formam Statuti predict' ac contra Pacem Coronam & Dignitatem dicti Domini Regis nostri, *West. Symbol. 2 part. 132. Sect. 212.*

CXXXVIII. *Lamberts Precedents*, 2 b. pl. 5. For saying and hearing of Mass.

Juratores super Sacrament' suum present' pro Dom. Rege quod *J. R.* nuper de *C.* in Com. pred' Clericus, octavo die *Aprilis* An. Regni dicti Dom. nostri *Jacobi*, Dei Gratia *Angl. Franciæ, & Hiberniæ* Regis, Fidei Defensoris, &c. apud *C.* predict' in Comitatu predict' voluntariè dixit, & celebravit unam Missam contra formam cujusdam Statuti in Parlamento Domine *Eliz.* nuper Regine *Angliæ* tento apud *Westm.* in Com. *Middlesex*, Anno Regni sui viceffimo tertio in hoc casu provisi & editi, & contra Pacem dicti Domini Regis Coronam & Dignitatem suam (*West. Symbol. 2 part. 114. Sect. 140.*)

Et quod *Maria B.* de *C.* prædict' in Comitatu predict' vidua dicto octavo die *Aprilis* Anno supradicto apud *C.* predict' in Com. predict' interfuit presens tempore dictæ celebrationis Missæ predictæ ac eandem Missam (sic ut presertur dictam) ad tunc & ibidem voluntariè adivit contra formam Statuti predicti, ac contra Pacem Coronam & Dignitatem dicti Domini Regis nostri, *Dyer 203. pl. 72.*

CXXXIX.

Certificate.

CXXXIX. *Kilborns Precedents*, 92 a. Certificate for receiving the Sacrament and the Oath on 25 *Car.* 2, cap. 2.

*Kent ss.* We *A. B.* Minister of the Parish Church of *C.* in the County of *D.* and *E. F.* Church-wardens of the same Parish and Parish Church, do hereby certifie, That *M. N.* of *O.* in the County of *P.* Gent. upon the Lords day, commonly called Sunday, the Tenth day of *June*, immediately after Divine Service and Sermon, did in the Parish Church aforesaid receive the Sacrament of the Lords Supper, according to the usage of the Church of *England*. In witness whereof we have hereunto subscribed our Hands the Tenth day of *Sc.*

*A. B.* Minister of the Parish and Parish Church of *C.*  
*E. F.* Churchwarden of the said Parish and Parish Church.

*H. J.* of *K.* in the County of *K.* Gent. and *L. M.* of *Sc.* do severally make Oath that they do know *M. N.* in the above-written Certificate named, and who now present hath delivered the same into this Court. And do further severally make Oath, That they did see the said *M. N.* receive the Sacrament of the Lords Supper in the Parish Church of *C. &c.* in the said Certificate mentioned, and upon the day, and at the time in the said Certificate in that behalf certified and expressed; and that they did see the Certificate above-written subscribed by the said *A. B.* Minister of the said Church, and *E. F.* Church-warden there. And further, That the said *H. J.* and *L. M.* do say upon their respective Oaths, that all other matters or things in the said Certificate recited, mentioned, or expressed, are true as they verily believe.

Religion.

CXL. *Kilborns Precedents* 93. A Certificate of receiving the Sacrament according to the Act, 25 *Car.* 2. 2.

*Kent ss. Memorandum*, That at the Quarter-Sessions for the said County holden at *C.* in the County aforesaid upon Tuesday the 22 of *July*, in the Year of our Lord One thousand six hundred seventy three, and from thence adjourned to *M.* in the said County, and there holden by the same Adjournment upon Munday the 28th of *July* aforesaid, *R. W.* of the Parish of *M.* in the County aforesaid, Esq; did upon the said 28th of *July*, in the said Court of Quarter-Sessions, there deliver into the said Court a Certificate under the Hands of *J. P.* Clerk, Minister of the Parish and Parish Church aforesaid, and *J. M.* Churchwarden of the same Parish and Parish Church, by which they certified, That the said *R. W.* upon the Lords day, commonly called Sunday, the 18th day of *May*, in the said year of our Lord 1673. immediately after Divine Service and Sermon, did in the Parish Church aforesaid receive the Sacrament of the Lords Supper, according to the usage of the Church of *England*.

Religion.

CLXI. *Kilborns Precedents* 94. A Testimonial upon the receiving the Sacrament according to the Act, 25 *Car.* 2. 2.

*K. ss. Memorandum* also, That at the time and place of the said Delivery of the said Certificate, *A. B. C. D.* and *E. F.* did upon Enquiry made by the said Court, then and there severally make Oath that they did know the said *R. W.* in the said Certificate named, and that they were present, and delivered the same into Court; and that they did see the said *R. W.* receive the Sacrament of the Lords Supper at the time, day, and place, and in the manner in the said Certificate certified. And that they did see also the said Certificate subscribed by the said Minister

ster and Church-warden; and that the said *R. W.* did upon the 20th day of *May* then last past, and for several years before Inhabit, and then did inhabit in the above named Parish of *H.* and County of *Kent*.

CXLII. *Westm. Symb. 2 part. 114 b. § 141.* An Indictment upon 1 *Eliz. 2. a.* against a Priest for saying Mass in the Vestry of a Church, *Sc. Crompt. 259. pl. 89. tit. Religion 16.*

CXLIII. *Practical Precedents, Sc. 189.* An Indictment for keeping a *Apprentice.* Servant that goeth not to Church, 3 *Jac. 4. § 33. N. 1.*

*Warwick ff.* Juratores pro Domino Rege super Sacramentum suum presentant quod *A. B.* nuper de *E.* in Com. *W.* predicta vidua primo die *Maij* Anno *Sc.* post editionem Actus in Parliament' Domini *Jacobi* nuper Regis *Angliæ*, apud *Westm.* in Com. *Middlesex*, Anno Regni sui tertij editi scilicet predicto primo die *Maij* Anno supradicti voluntarie & libenter retinuit & custodivit *Anglicè*, *did willingly retain and keep* in domo sua quendam *C. D.* Servum suum (*Anglicè her Servant*) continue per spacium 12 Mensium integrorum insimul à predicto primo die *Maij* Anno supradicto, usque ad quartum diem *Maij* Anno Regni *Sc.* Qui quidem *C. D.* non accessit, *Anglicè did not repair* alicui Ecclesiæ, Capellæ, aut usuali loco Communis precationis ad audiend' Divinum Servitium, sed abstinuit ab eisdem *Anglicè did forbear the same* per predictum spatium predictorum 12 Mensium contra Pacem dicti Domini Regis Coronam & Dignitatem suas, & contra formam Statuti in hujusmodi casu edit & provisi *Sc.*

*Poysoning*, see *Coron.*

*Possession*, see *Seisin, Execution.*

*Posse Comitatus*, see *Sheriffs, Riot, Force.*

*Post-Office*, see *Ways.*

*Poulterers*, see *Fowl.*

*Pound*, see *Replevin.*

*Power*, see *Justices Authority.*

*Power of the County*, see *Force, Sheriffs.*

*Preachers*, see *Religion, Encumbent.*

*Precepts*, see *Process.*

*Præmunire*, see *Pope.*

*Presentment*, see *Endictment.*

*Presentation*, see *Encumbent, Church.*

*Presumption*, see *Intendment.*

*Priests*, see *Pope.*

*Principal*, see *Accessory, Coron.*

*Prisons*, see *Imprisonment.*

*Privy Sessions*, see *Justices.*

*Priviledge*, see *Dignity.*



## Process.

## Warrants, Precepts, Attachments.

Dnds.

I. **L** *Ambert*. 84, 85. A Justice of Peace may by word only command a man (being in his Presence) to find Surety of the Peace, 9 *Edw.*

4 3.

For seeing that he is a Judge of Record, saith Mr. *Fitzherbert*, his Precept by mouth is stronger then his Precept by writing, *Dalt.* 328. *cap.* 117.

2. So if the Peace be demanded against one that is in his Presence, he may command the Sheriff, or other known Officer, or his own Servant if they be then present also, to arrest the Party to find this Surety, 14 *H.* 7. 8. and by *Marrow*, for it is not so much the Arrest of the Minister, as of the Justice himself, *Crompt.* 149.

3. But if either the Officer, Servant, or Party be absent, then it is requisite to make a Warrant or Precept in Writing, the form whereof may be thus in English, for I see no cause yet why it should be directed in Latin to a Constable or Bursholder, that by all Presumption understandeth no Latin at all, *Dalt.* 328. *cap.* 117.

Jointure.

II. *Lambert* 89. If such a Precept be made jointly to twain, yet the one alone may serve it, *Crompt.* 147 *b.* *Dalt.* 332. *cap.* 117. *Jointenants*, *Br.* 1. *libr.* *Intr.* 600.

Sheriffs.

2. If it be directed to the Sheriff, then he may command his Bayliff, Under-Sheriff, or other sworn and known Officer to serve it, without writing any Precept, *Dalt.* 332. *cap.* 117.

Deputj.

3. But if he will command another man that is no such Officer to serve it, he must give him a written Precept, for otherwise a Writ of false Imprisonment will lye for the Arrest, *Crompt.* 148 *b.*

4. And if it be directed to the Bayliff, or to a Justice of the Peace, or other Stranger, they must serve it themselves, for they can command none other to do it, neither by Word or Precept, *Per Marrow*, *Dalt.* 332. *cap.* 117.

Mensj.

5. A sworn and known Officer needeth not to shew his Warrant when he doth serve it upon a man, 8 *Ed.* 4. 14. *Faux Imprisonment*, *Br.* 23. *Kell.* 86. *pl.* 9 *Co.* 69. & 20 *H.* 7. 13. &c. for his Office doth after a sort Authorize him, *Crompt.* 148 *b.* *Dalt.* 332. *cap.* 17.

But if the Justice of Peace will set his Servant to serve it, that Servant must shew the Warrant if the Party demand it; and otherwise the Party may make resistance.

Return.

6. A Justice of the Peace, saith *Peace Br.* 9. may make his Warrant retornable before himself, and the Bayliff needs not carry the Party before any other Justice: But *Fineux* 21 *H.* 7. 20. saith, That if a Justice of Peace doth make a Warrant of the Peace *ex officio*, (that is, without any Writ of *Supplicavit* awarded) then the Party may chuse to appear before him, or any other Justice in the Shire, and that he shall punish the Bayliff in false Imprisonment if he do otherwise compel him, 5 *Co.* 59. *Lambert* 94.

7. Otherwise it is in the Execution of the Writ of *Supplicavit*, for he alone to whose hands it first cometh is authorized to execute and return that Writ,

Writ, and thereupon *F. N. B.* 81. affirmeth, That if such a Writ, of *Supplicavit* be delivered to the Sheriff, then he may both execute it alone, and also take Surety by Recognizance, which otherwise being but a Conservator he could not do, because the Writ doth so enable him; yet *Littleton* 9 *Ed.* 4. 31. is to the contrary.

III. *Lambert* 90. 91. The Officer ought also to require the Party to come and find Surety of the Peace, before that he do Arrest him, by 5 *Ed.* 4. 13. and in truth the common form of the Precept is, *and if he refuse &c. then he shall convey him to the Goal*; and therefore if he yield to come, and to find Surety, the Officer may neither absolutely arrest him, nor take any Fee of him. Notice.

2. If a Bayliff do Arrest a Man for the Peace before that he have any Warrant, and then afterwards do procure a Warrant for it, this nevertheless is unlawfully done, 43 *Eliz.* 6. and will not excuse him in an Action of false Imprisonment, *Crompt.* 149. *Dyer* 244. *Bar.* 248. *Dalt.* 333. *cap.* 117. Officer.

3. But if the Bayliff do cause one by force of a Warrant to come and find Surety of the Peace, and when the Party is brought the Justice will not bind him, yet the Bayliff is excused, 21 *H.* 7. 22.

IV. *Lambert* 91. If Surety of Peace be required at the hands of a Justice of Peace that dwelleth out of the County against a Man within the County, the Justice may grant a Precept to be served in the County. Lieu.

But when the Party shall be thereupon warned and commanded to find Surety, the Officer may not carry him out of the County to the Justice of Peace that made the Warrant, by *Marrow*, *Crompt.* 149 b. *infra.* for a Justice of Peace hath no Authority but in the County where he is Justice, *Com.* 37. And therefore it may be doubted also whither such a Warrant be good or no.

2. The Case was there 13 *Ed.* 4. 8. That a Justice of Peace in one County pursued a Felon and took him in another County, whereupon it was holden that he ought to be committed to the Goal of the County wherein he was taken, and not of the County wherein he which took him was a Justice, for that he being out of his County had no more Authority than a Private Man.

3. But yet the Bayliff may not dispute the Sufficiency or insufficiency of such a Warrant, because he that awarded it is a Judge of Record, 14 *H.* 8. 18. *Crompt.* 147.

V. *Lambert.* 42. But if it fall out that he refuse to come and put in Surety of the Peace, then may the Officer by Virtue of his Warrant convey him to Prison, &c. and if he add Resistance to this refusal, and make Assault upon the Officer, then may the Officer Justifie the beating or hurting of him 21 *H.* 7. 39. by *Fineux*. Justific.

VI. *Lambert.* 93. And an Arrest may be called the beginning of Imprisonment; the Precepts and Writs of the higher Courts of Law do use to express it by *Capias* & *Attachias*, &c. but this our Precept noteth it by these words, *Duci facias*, &c. for that the Officer hath after a sort taken him before, in that he cometh unto him, and requireth him to go to some Justice of the Peace, *Dalt.* 335. *cap.* 118. *infra.* Arrest.

VII. *Lambert* 131. One Justice of the Peace can neither make inquiry of a Riot or Rout when it is done, nor assess any Fine, nor yet Award any Process for it, nor otherwise meddle with it in the very Nature of a Rout or Riot but only as a Trespass, against the Peace, or upon the Statute of *Northampton*, 2 *Ed.* 3. 4. or of forcible Entry, 8 *H.* 6. 9. &c. *Crompt.* 148 b. Riot.

Justices.

VIII. *Lambert* 187. This to be plain, I do not like that one Justice of Peace shall take upon him to bind an Offender against any Penal Law, being within the power of Justices of the Peace, but yet neither comprehended in the Commission, nor committed to the Charge of any one of them, to appear at the Sessions to Answer to his Fault, *Dalt.* 331. cap. 117. *infra.*

For although I have seen sundry old Precedents of Attachments made from one Justice of the Peace against Labourers, to be before the Justices at their Sessions, to answer to their Contempts.

Yet I am not perswaded that the like may be done against the Offenders of other Statutes, unless it be specially therein so appointed, no more then it might have been done in that Case of Labourers it self, had not the Statute of Labourers 25 *Ed.* 3. 6. § 1. N. 1. expressly commanded it, *Dalt.* 331. cap. 117.

2. And I doubt not but they of the late Parliament were also of this mind with me; for if they had thought it generally lawful so to do, they would not have so specially provided for it, as by 5 *Eliz.* 4. § N. of Servants, and 23 *Eliz.* 2. § N. against slanderous News, and 23 *Eliz.* 10. § N. against taking Pheasants and Partridge.

3. And surely much harm followeth of it; for it falleth out most commonly in Experience, that those Justices which be most busied to take such Bonds, be no less ready to release them, &c.

Indictment.

IX. *Lambert* 188, 189. And therefore it were better, &c. that such Offenders were first Indicted, and then that Process were orderly awarded against them, until that either they yielded themselves, or were taken or outlawed, the which manner of doings it is better warranted of the twain, so doth it recompence the delay of the punishment with the weight of the pain, and shall profit more than the former.

2. There is one thing also whereof I thought meet to admonish our Justices of Peace in this place. Many of them do use to give out their Precepts to attach Persons suspected of Felony, to the end to have them brought before them, which thing is neither newly devised by them, nor done without colour; for they have such a Precedent in the old Book of Justices of the Peace, 41. *infra.* *Crompt.* 147 b.

3. And there is no doubt but that if a Felony be done, every man may Arrest whomsoever he suspecteth of it: But for all that the whole Court, 14 *H.* 6. 16. *Fax Imprisonment*, *Br.* 8. 33. condemneth such Precepts; because if the Bayliff which serveth the Warrant have suspicion in the Party, he may of himself without the Warrant Arrest him; and if he have not, then is the Warrant of a Justice of Peace no Warrant to Arrest him, unless he be Indicted before, 4. *Inst.* 177, 178. *Crompt.* 148 b. *Dalt.* 331. cap. 117. *infra.*

Commission.

X. *Lambert* 512. The Authority of making Process upon Indictments is given by the exprefs words in the Commission, § 13. And in other Cases where it is not namely given, it is implied of congruence, or rather of necessity in the words *hear and determine* in the Commission, § 14. which cannot be performed unless the Party do come in *gratis*, or be brought in by the power of Process, *Dalt.* 330. cap. 117. *Dalt.* 403. cap. 132.

Nomin.

2. This Process ought always to be in the name of the King, thus, *Jacobus Dei grátia*, &c. *Vicecomiti Kancie*, &c. And therefore also seeing he is Party, it must say, *Non omittas propter aliquam libertatem, Quin* &c. *Prerog.* 21. *Crompt.* 149 b. *Dalt.* 347. cap. 121. & 404. cap. 132. *Franchise*, *Br.* 31.

3. And



3. And the Test thereof may be under the Name of some two Justices, so that it be made sitting the Court in the Sessions of Peace, *Br. 6. 7. Dalt. 347. cap. 121.*

4. But now whereas the Commission giveth to the Present Justices Authority to make Process upon Indictments taken, as well before former Justices as before themselves, all that doing was wont to be discontinued in Law by the coming out of a new Commission of the Peace, until 11 H. 6. 6. § 1. N. 2. did establish that no Pleas, Suits, or Process to be taken before Justices of the Peace, should be discontinued by a new Commission of the Peace to be made &c. and of the like effect &c. is 1 Ed. 7. § 6. N. 1. *Crompt. 151. 152.*

XI. *Lambert 513.* Furthermore, whereas Sheriffs and their Bayliffs used to Arrest Men and to proceed upon Indictments found in their Tourns or Law-days, another Statute 1 Ed. 4. 2. § 1. N. 3. wringeth that Power out of their hands, and delivereth it over to the Justices of Peace, 1 Ed. 4. 2. § 1. N. 6. appointing them to proceed upon them as if they had been found before themselves, *Crompt. 151 b.*

XII. *Lambert 513. 514.* Now seeing that this process of the Sessions is sent out to this end, that either the Party shall come in to answer and to be Justified by the Law, or else that he shall for his Contumacy be deprived of the benefit of the Law, for so much in effect do the words of the Commission § 13. *Quousque Capiantur reddant se aut Utlagentur*, import in them: It followeth, that in all Cases of Endictments, if the Party be returned Insufficient, the Process of Utlary lieth against the Offendor, if he be not taken before, or do not otherwise offer and yield himself, and then the Power of the Justices endeth with the Utlary, for they can make no *Capias Utlagatum*, but must certify the Utlary in *B. R.*

2. A good while after that Commissions of Peace were first Awarded, there was not given by them any power to make out any Process by Utlary; for 20 Ed. 3. part 3. *Patent in dorso*, were words Authorizing the Commissioners of the Peace to Arrest all such as should be Endicted before them; but by and by this followeth there, *Et ad nomina eorum qui fuerint, Et coram vobis Justiciari noluerint Certificand in Cancellaria, &c.* So that if they might not get them Arrested they could go no further, but to certify their names only, 25 Ed. 3. Stat. 5. cap. 14. § 1. N. 4. *Crompt. 150 b. 151.*

3. Now the mean to this Utlary is not all one in all Cases; for upon Endictments of Trespasses against the Peace, or such other Contempts, the Process is one, and upon Endictments of Treason or Felony it is another.

XIII. *Lambert 514, 515.* Upon Endictments of Trespass against the Peace, of Conspiracies, and of Routs in the Presence of the Justices, or in Affray of the People, if the Offenders may not be found, nor brought in by Attachment or Distress, by reason of their insufficiency, the Process of Utlary is to be Awarded by the Statutes of 18 Ed. 3. St. 1. pag. 109. § 1. N. & 18 Ed. 3. St. 2. cap. 5. The like is against such as be Indicted upon the Statute of Liveries, 19 H. 7. 14. § N. *Crompt. 150. Dalt. 404. cap. 132.*

2. A *Venire Facias* first, and then if thereupon he be returned sufficient, a *Disstringas*, and so the same Process Infinite till he come in, *Crompt. 150 b. 151 a. 152.*

3. But if a *Nilil habet*, &c. be at the first returned against him, then a *Capias alias* & *pluries*, and after an *Exigent*, as it seemeth by Mr. Mar-  
row.

4. And the old Precedents agreeing with the common Course, as I take it, is the very ordinary Process upon all Endictments not founding in Felony or greater Offence, whether they be of Trespass against the Peace, or of Contempt against Penal Laws, unless it be otherwise specially provided by those same Statutes whereupon such Endictments be altogether grounded, &c.

ways.

XIV. *Lambert* 515, 516. The Statute 22 H. 8. 5. § 1. N. 1. of Bridges alloweth such Process as the Justices of B. R. do use, or such as the Justices of Peace themselves shall think meet by their discretion for the speedy Amendment of those Bridges, *Crompt.* 151.

Maintenances.

2. Upon Endictments of Liveries, Maintenance, Archery, unlawful Games, &c. by 33 H. 8. 10. § 1. N. 9. there was given one *Venue Fac*, one *Capias*, and then the *Exigent*, but it is to be weighed whether the Statute 37 H. 8. 7. § 2. N. 4. which utterly repealeth 33 H. 8. 10. do transfer the manner of that Process unto the Ancient Quarter-Sessions, as it doth sundry other Parts of 33 H. 8. 10. or no, *Crompt.* 151.

Apprentice.

3. The Statute of Labourers, 23 H. 6. 13. § 1. N. 10. gave after the Endictments Grounded thereupon an Attachment, *Capias*, and *Exigent*: But I think it no great doubt but that point is taken away for Laborers by 5 Eliz. 4. § 2. N. 1. and standeth good for none, except it be for Victuallers only, 5 Eliz. 4. § 47. N. 1. *Crompt.* 151.

Ali.

4. The Statute 5 & 6 Ed. 6. 25. § 3. N. 1. giveth Power to the Justices of Peace to enquire of alehouse-keepers, whether they have done any act to the breach of their Recognizance, *Crompt.* 151 b.

And 5 & 6 Ed. 6. 25. § 3. N. 2. If any matter be Presented, then to award Process against the Offender, to shew why he should not forfeit his Recognizance, *infra*.

But what this Process shall be, I will not determine; for I do not find that in any other Case, though it appear that a Man hath forfeited his Recognizance, the Justices of Peace can Award any *Scire Facias*, or other Process, to call him in upon it, but rather to certify the same into higher Courts, that from thence Process may Issue out to call the Party to his Answer.

Lien.

XV. *Lambert* 516. 517. Some other Statutes there be also that have extended the Authority of the Justices of Peace in sending Process beyond the bounds of their own Commission; for by 1 Ed. 6. 1. § 3. N. 1. three Justices of the Peace, the one being of the *Quorum*, may make Process against such as be thereupon Endicted for depraving the Sacrament, by two Writs of *Capias* and the *Exigent*, and by *Capias Utlagatum* into any Place within the Kings Dominions, *Crompt.* 151.

2. So if a Servant depart into another Shire, the Justices of the Peace of that Shire where the departure was, may grant Writs of *Capias* to the Sheriff of that other Shire where the Servant is retornable before themselves, 5 Eliz. 4. § 47. N. 1. *Crompt.* 649 b.

3. The like they may do by 22 H. 8. 5. § N. where a decayed Bridge lieth in one Shire, and the Person or Lands chargeable thereto do lye in another, *Crompt.* 151.

Lien.

4. They may also Award Process of Attachment unto any foreign Shire against the Accountants for Money levied towards the making of any Goal, 25 H. 8. 5. § N. & 5 Eliz. 24. § N.

XVI. *Lambert* 517. 518. But if the Endictment be in one County, and the Endictee be named to be (then or *nuper*) dwelling in any other County, there is a special Course of Process in that behalf, for his benefit appointed by 8 H. 6. 10. §. 2. N. 1. both for Treason, Felony, and Trespas, for before any *Exigent* shall be Awarded, one *Capias* must be sent out and returned; *Crompt.* 105. *Ab. Stanf.* 68.

2. And then a Second *Capias* shall go into the County, where he is supposed in the Endictment to be, or to have been conversant, returnable before the same Justices of the Peace, before whom the Endictment was taken, three Months at the least after the date thereof, for all Counties be now holden from Month to Month by the Statute 2 & 3 Ed. 6. 25. §. 2. N. 1.

By which last Writ, 8 H. 6. 10. §. 2. N. 2. 3. 4. The Sheriff shall be commanded to take the Endictee, if he may be found within his Bailiwick: And if not, then to make Proclamation in two Counties before the return of that Writ, that the Endictee shall appear before the said Justices of the said County where the Endictment was taken at the day contained in the last said *Capias* to answer to his Offence, at which day if he come not, then the *Exigent* shall be Awarded against him, and otherwise not.

3. And by the Equity of this Statute 8 H. 6. 10. §. 2. N. 1. saith Mr. *Marrow*, if the Indictee be imprisoned in another County, the Justices of Peace may Award an *Habeas Corpus* to remove him before them.

XVII. *Lambert* 518. But if it be mentioned in the Endictment that the Endictee is dwelling in another County by the *Alias Dictus* only, then it is out of the Case of the Statute of 8 H. 6. 10. §. 2. N. 1. because the *Alias dictus* is not to be traversed, 1 Ed. 4. 1. *Crompt.* 149 b. 150 a.

XVIII. *Lambert* 518, 519. But yet you must presuppose that all this Process of Utlary may be staid by *Superfedeas*. And *F.N.B.* 237. E. hath the Case, That if an *Exigent* go out upon an Endictment of Trespas found before Justices of the Peace, the Party may find Sureties in the *Chancery*, body for body, to appear at the day of the Writ, and may then also have a *Superfedeas* thence to the Sheriff, commanding him to forbear to take him, and to let him go if he then have already taken him for that Cause.

And *Co. Estr.* 546. The Process upon such an Endictment staid by a *Superfedeas* issuing from one Justice of the Peace alone, and testifying that the Party came before him, and found Surety *de fine assidendo*, *Crompt.* 150.

But as I believe the former, so will I not perswade the Practice of the latter, because I think it not in the lawful power of any one Justice of Peace to Award any such Warrant, but that it must be done by two Justices of Peace at the least, the one being of the *Quorum*, as the Commission now standeth.

XIX. *Lambert* 519. It seemeth by Mr. *Marrow* that the Process at the Common Law upon Indictments of Felony, was but one *Capias*, and then an *Exigent*; for so it was upon an Indictment of Death, 22 *Ass.* 81. *Stanf.* 67.

2. But the old Precedents grounding themselves upon the Statute, 25 Ed. 3. *St. 5. cap.* 14. do use the mention of two Writs of *Capias* before the *Exigent*.

For 25 Ed. 3. *Stat. 5. cap.* 14. §. 1. N. 2. provideth, that after the return of *Non est inventus* upon the first *Capias*; another *Capias* shall be incontinently Awarded, whereby the Sheriff shall be commanded to seize the Chattels of the Indictee, and safely to keep them till the day of the *Capias* returned



returned; and if he then also return *Non est inventus*, and the Endictee cometh not in, the *Exigent* shall be Awarded, and the Chattels shall be forfeited. But 25 Ed. 3. *St. 5. cap. 14. § 1. N. 5.* if he come and yield him, or be taken before the return of the second *Capias*, then the Goods and Chattels shall be saved unto him.

*Lien.*

XX. *Lambert 520.* And here also the Justices of Peace have power to send into a foreign County.

2. For whereas by the Common Law no man could be attached upon an Indictment or Utlary of Felony, but only in the County wherein he was Indicted or Outlawed, whereby many Evil men were much encouraged.

3. The Statute 5 Ed. 3. 11. § 1. N. 2. did take order that Justices assigned to hear and determine Felonies, might direct their Writs to any County in England, to take such Endictees whither soever they were removed, *Crompt. 149 b.*

4. On the other side, if the Endictment be found in one County, and the Indictee is therein named to be then dwelling in another County, *supra*, it appears what Process is to be, &c.

*Information.*

XXI. *Lambert 520, 521.* The power of making Process upon Informations proceedeth from special Statutes, and may not therefore vary from their Directions, although they themselves do vary greatly one from another.

2. For upon an Information given for the King before Justices of the Peace upon 8 Ed. 4. 2. §. N. of Liveries, they shall Award such Process as is made upon an Original Writ of Trespass done against the Kings Peace, because the Information it self is by force of that Statute instead of an Original Writ, *Crompt. 151.*

3. And upon Information made unto them that an Alehouse-keeper hath done any act whereby he hath forfeited his Recognizance, they may, as *supra*, Award Proces against him, to shew Cause why he should not forfeit his Recognizance, by 5 & 6 Ed. 6. 25. § 3. N. 2. but learn if that be meant of a *Scire Facias*, or of some other Process.

*Supplicavit.*

XXII. *F. N. B. 250. G.* And if a Man be Indict of Trespass before Justices of Peace, and put in Prison by Process made thereon he may sue a Writ in the *Chancery*, directed to the Sheriff, that he take Surety of him to appear before the Justices at the Sessions, &c. and that he let him at large, but the Justices of Peace may let him by Mainprise go at large if they will.

*Certiorari.*

2. *F. N. B. 250. H.* And if a Man be Indicted of Trespass before Justices of Peace, and be taken and put in Prison, therefore he may sue a *Certiorari* to remove this Indictment in *B. R.* directed to the Justices of Peace and a Writ of *Habeas Corpus* directed, that he bring the Record at his proper Charges before the King at the same day in his Bench, &c. *Crompt. 150.*

*Writ overt.*

3. *F. N. B. 250. I.* And if a Man be Indicted of Forestalling, and taken and put in Prison therefore, he may sue a Writ in *Chancery* directed to the Sheriff, that he take surety of him to appear before the Justices to answer of the Trespass, &c. and that then he may let him at large, *Crompt. 150. infra.*

*Arrest.*

XXIII. *Lambert Constable 16, 17.* And as these Officers ought to Arrest those that do make assault upon any private Person, so also may they Arrest any such as shall make Assault or Affray upon themselves, whilst they be in doing their Offices, and may for that purpose both lawfully defend themselves, and also take the Offenders and commit them to the Goal, or carry them to a Justice of the Peace for the finding of Surety of the Peace.

2. But

2. But if one do Assault a man in or nigh the High way to rob him, and be taken by the true man, or by any other, and be brought to the Constable, or such other Officer of the Peace, then ought such Officer not only to take him to his Ward, but also to carry him before a Justice of Peace to cause him to give Surety of his good bearing.

3. So if any man do suspect another of Murder or Felony, and do declare the same to any such Officer of the Peace, then such Officer may Arrest the suspected person, and he shall do well do carry him to a Justice of the Peace, together with him that doth suspect him, to the end that they both may be Examined, as appertaineth, *supra*.

4. Yea, any Constables, Borsholders, Tythingmen, &c. may search within the Limits of his Authority for any persons suspected of Felony; for it is a chief part of their Office to repress Felons.

XXIV. *Lambert* 541, 542. It seemeth by Mr. *Marrow* and *Fitzb.* 16. *Justices.* that albeit two Justices of the Peace, the one being of the *Quorum*, may hear and try the Felonies, yet no Justices of the Peace have Authority to deliver Felons by Proclamation, or without sufficient Acquittal, nor yet to deliver such as be in Prison for suspicion of Felony.

2. For they must proceed by enquiring, hearing, and determining, as their Commission § 13. appointeth them, and not rid the Goal otherwise as the Justices of Goal delivery may do.

3. And therefore such Persons, if they cannot be Indicted must either remain the coming of the Justices of Goal-delivery, as the common manner now is, or else being removed in *B. R.* they are either to be delivered thence upon the Writ *F. N. B. De gestu & fama*, as old order was, or by such other mean as they at this day do use therein.

XXV. *Lambert* 543. Furthermore, they cannot Arraign a Man upon his Abjuration, saith Mr. *Marrow*. *Oath.*

2. It hath also been thought unmeet that they should try a Felon the same day in which they Awarded the *Venire Fac.* against the Jury, on 22 *Ed.* 4. *Coron* 44. but that hath no necessity, and the Law is now otherwise taken. See *tit. Justices* 289. *Crompt.* 150 b. 152 a. *Trial.*

3. *Marrow* saith, that Justices of Peace cannot Award the Writ of *Venire Fac. tot matronas*, to try whether a Woman Arraigned before them be with Child or not.

But seeing it standeth with Law and Reason to stay her for the time that the Child may be preserved, I cannot but doubt of this Opinion.

XXVI. *Lambert* 534, 535. If Process be Awarded (in *B. R.* or before Justices of the Peace) the Party may come in and offer his Traverse, and otherwise the Process should be in vain. *Pleading.*

2. Hereunto agreeth *Moubray*, 41 *Ed.* 3. 26. *Traverse de &c.* Br. 2. Saying further, that in a Leet such a Presentment is not traversable, because out of a Leet no Process can be Awarded upon it. And this peradventure is the Reason of 8 *Ed.* 4. 5. and of Mr. *Marrow*, where they say, That a Presentment of Bloodshed found in the Sheriffs Tourn, and sent as it ought to be to the Justices of Peace, cannot be Traversed before them; as whereupon they can neither make Process nor discharge the Party by way of Plea, *Lambert* 496.

3. So that this seemeth a general Learning, That wherever any Process *ad Respondendum* goeth out upon such an Endictment as is traversable, there also the Party may offer and ought to have his Traverse against it.

Officer.

XXVII. *Crompt.* 147. A Justice of Peace may make whom he will Officer, by *Brudnel*, which was granted 14. H. 8. 18. *Dalt.* 332. cap. 117.

2. But the Warrant must bear date of the place where it is made, 14. H. 8. 15.

3. It appears by the Oath of a Justice of Peace that he ought to direct his Precept to the Bailiff of the County, or other the Kings Officers, or to other Indifferent Persons, to do Execution thereof, *Fitzh. J. P.* 19.

Commission.

4. *Crompt.* 147 b. If a Justice of Peace commands an Officer known, by Precept to do a thing out of the Jurisdiction of the Justice of Peace, and he doth it, the Officer shall be punished; *Ec.* 22. *Ass.* 64. Officer *Br.* 20. and so see that the Officer must take notice of the Authority of the Judge, *Dalt.* 334. cap. 117.

Notice.

5. *Nota*, That the Officer who Arrests a Man must see at his Peril whether it be the same Person or not that should be Arrested, *Ec.* 21. *Ed.* 4. 54. *Replevin Br.* 58. 13. H. 4. 2. *Crompt.* 148 b. *Dalt.* 333. Cap. 117. *infra*.

6. If the Justices Award Process to take another without Cause, and the Sheriff takes him, yet he shall not be punished, for he cannot argue their Authority. As if the Justices *De Banco*, in a *Præcipe quod reddat* Award a *Capias* to take the Defendant, and the Sheriff takes him, and after the Justices Amend the Process, yet the Sheriff shall be discharged 20 H. 6. 15.

Monstrance.

XXVIII. *Crompt.* 147 b. 148. A Justice of Peace makes a Precept to bring *A.B.* before him to answer to such things as he hath to object against him on the Kings behalf, it seemeth good without shewing the special matter, for it may be he hath matter of Treason, Conspiracy, Murder, or *Ec.* to object to him. This is used by the Justices, as the chief Clerk of *Wray* Chief Justice told me, *Dalt.* 329. cap. 117.

2. See *Libr. Intr.* 83. An Attachment to appear before Justices of Assize to Answer *super hijs quæ sibi ex parte nostra tunc ibidem obijciuntur*, *Dalt.* 329. cap. 117.

Place.

3. But if a man be to find Surety of the Peace or Good-behaviour, he must shew the Matter in the Precept, but not if it toucheth Felony, or Capital Offences, or Conspiracy, or unlawful Assemblies, *Ec.* *Dalt.* 329. cap. 117.

4. *Stamf.* 155. A *Corpus cum causa* out of *B. R.* to the Sheriff of *Tork* against one who was in Prison in the Castle there, and he did not shew the Cause in the Writ; for it may be that the Justices sent for him for matter of Treason, or great Conspiracy, and therefore by *Catline* Chief Justice they need not shew Cause; no more shall a Justice of Peace do, as it seemeth, in Case where he sends for him that hath committed Felony where he is to be examined thereon, for then he would not be taken, and so it is used every where.

5. A Bailiff or other Arrests a Man by Warrant of the Peace, and takes his Promise that he will come to him such a day to go to a Justice to find Surety of the Peace, and he comes not, the Bailiff cannot take him again by the said Warrant, *Ec.* But if he escapes *Br.* 12. 45. against his will, he may retake him by Fresh Suit, *Ec.* *Dalt.* 333. cap. 117.

Riot.

XXIX. *Crompt.* 148 b. A Justice of Peace may command his Servants to go to such a Place, and if Rioters come there, to Arrest them, without making any Precept to them, by *Fineux* Chief Justice, and *Tremail*, 14 H. 7: 8. *Lambert.* 89. *supra.* *Dalt.* 328. cap. 117.



2. If a Justice of Peace makes a Warrant to a known Bayliff to Arrest another for Felony, where he is not before Indicted, the Bayliff shall not be punished for the Arrest, for a Justice of Peace is an Officer of Record, and the Bayliff cannot argue his Authority: And yet this Warrant is out of the Authority of the Justice of Peace himself; For the Justice himself cannot Arrest another for Suspicion of Felony, if he himself doth not suspect him, 14 H. 8. 18. & 20 Ed. 4. 6. *Faux Imprisonment Br. 8. 33. Barr 289. Trespass 179. Lambert 188, 189. supra.*

3. A Commission issued to take such as were slandered for Felony or Treipass, and he Arrested them though they were not Indicted, and good, though it seemeth the Warrant is against Law, 24 Ed. 3. 9. accord, and so see the Officer excused: And such an Attachment by others by Precept is good. *Ibidem quod nota Faux Imprisonment Br. 29. accord, and he shall not be punished.*

4. The Defendant in *Faux Imprisonment* shall not shew the Warrant that was sent to him to attach the Plaintiff, because it may be it is returned, 27 Aff. 26. 21 H. 7. 24.

5. It seemeth that the Justices of Peace in full Court may Award a Precept, upon a pain contained therein, as Justices of B. R. may, &c.

XXX. *Crompt. 149.* See if a Justice of Peace may Award a Precept to warn a man to appear to be deposed for the King at the Sessions, and if he refuseth he shall be Imprisoned. *Appearance.*

2. Upon an Indictment before Justices of Peace, if an *Exigent* be returned *quarto exactus*, and that he can call him no more for shortness of the time, an *Exigi facias de novo* shall issue without alledging of 4 Counties, &c. and so is the Experience in B. R. *Crompt. 150 b.*

3. By the like Reason as *F.N.B. 92.* if any abuse the Precepts of Justices of Peace which are direct to the Sheriff to Arrest others to the Peace where &c. he shall be Indict and fined, for it is the Kings Process, *Dalt. 334. cap. 117.* *Contempt.*

4. *Crompt. 149 b.* A Justice of Peace makes to a Bayliff a Warrant to Arrest such a one to the Peace, and to bring him to him at such a place in another County, and he doth so, in *Faux Imprisonment* against the Officer he cannot plead this matter, because it is out of the Jurisdiction of the Justice. See *Com. 37. Lambert 91. supra. Marrow Lect. 3.* that the Warrant *supra* is void, *Dalt. 334. cap. 117.* *Jurisdiction.*

XXXI. *Crompt. 150.* Process of *Exigent* shall not issue against the Accessory, until the Principal be Attaint by Utlary, 3 Ed. 1. W. 1. cap. 14. and by 43 Ed. 3. 17. until the Principal be Attaint. *Accessory.*

2. If the Party appears in Court who is Indict of Trespass, and there confesseth the Indictment, no Process shall be Awarded to make a Fine, but he shall be Committed presently until he hath made a Fine, 1 H. 7. 7. *Faux Imprisonment Br. 100. Dalt. 404. cap.* *Appearance.*

3. Three *Exigents* are awarded upon an Indictment before Justices of Peace, and the Party sueth a *Superseas* out of the Chancery or B. R. for delay, and doth so thrice; *Quere* in this Case if the Justices may Award another *Exigent* with a pain to the Sheriff, who alledgeth such a *Superseas* again, though the Chancery be the higher Court, as 7 Ed. 4. 9. *Superseas Br. 31. Crompt. 151 b.*

XXXII. *Crompt. 150 b.* Upon an Indictment of Forestalling Process of Utlary lieth not, 22 Ed. 4. 11. *F.N.B. 250. I.* *Atake over.*

Nor in Maintenance upon an Original, 8 H. 6. 37. *Maintenance.*

XXXIII. *Crompt. 151 b.* One Justice of Peace alone cannot Award a *Capias* nor other Process, but there must be two Justices at least to do it, and this *Sedente curia*, in *Sessionibus*, and not *extra*, *Peace Br. 6. 7.* *Justices.*

Franchise.

2. Justices of Peace may Award an Attachment to the Sheriff of any County in *England*, as well within Liberties as without, retornable before themselves, against him that is Commorant that should Account, having been Collectors of Sums Assess for making of Goals, 23 H. 8. 5. § N. & 5 Eliz. 24. § N.

Hostlers.

3. The Justices of Peace may award such Process against Hostlers and Inn-holders, who bake Horse-bread which is not sufficient, lawful, and of due assize, whereof they are Indicted, as they should do a Presentment of Trespas against the Peace, 32 H. 8. 41. § N.

Sheriff.

4. The Process shall be Awarded as upon an Indictment of Trespas where the Sheriff or Bayliff of a Franchise is Indicted for not executing Process upon 8 H. 6. 9. § N. of forcible Entries.

Market court.

5. Process shall be Awarded against Forestallers, Regrators, and Ingrossers, who offend against 5 & 6 Ed. 6. 14. § 10. N. 2. as should be where they are Indicted before them by Inquisition, or by Verdict of Twelve men.

War.

6. Process shall be as in Trespas where a man is Indict on 4 & 5 Ph. & Mar. 3. § N. for not coming to Musters.

Measures.

XXXIII. *Crompt.* 152. Process against such who shall be Indict for using of false Measures and Weights, shall be as if they had been Indict of breach of the Peace by 11 H. 7. 4. § N. *Dalt.* 403. cap. 132.

Fesh.

2. Process shall be as upon Indictments of Trespas, &c. against such who are Presented, or against whom an Information shall be made on 5 Eliz. 5. § N. of Maintenance of the Navy.

Officer.

3. Process shall be as upon Indictments with force, &c. against an Escheator who offends against the Statute, 12 Ed. 4. 9. § N. touching the not having of 20 l. Land by the year, or if he sets his said Office to Farm, &c.

Husbandry.

4. Such Process shall be Awarded against him who is Indicted on 25 H. 8. 13. § N. of keeping of Sheep above a certain number, as is used in Trespas Presented before Justices of Peace.

Capias.

XXXIV. *Crompt.* 232 b. pl. 2. Process upon Indictments of Trespas. The Writ of *Capias*, *Dalt.* 405. cap. 132.

*Jacobus Dei Gratia Angliæ &c. Vicecom' S. salutem, Precipimus tibi quod non omittas propter aliquam libertatem in Balliva tua Quin eam Ingredias & Capias J. D. de A. in Com. tuo Yeoman &c. si invent' fuerit in Balliva tua & eum salvo Custodiri facias Ita quod Habeas Corpus ejus coram Custodibus Pacis nostræ nec non Justiciarijs nostris ad diversas Feloniam transgressiones & alia Malefacta in eodem Comitatu tuo perpetrat' audiend' & terminand' Assignat' apud Stafford in Com. tuo die Martis proximè post Clausum Pasch. proximum futurum ad respondend' nobis de diversis transgr. Contempt' & offensis de quibus ipse Indictatus existit & habeas ibi tunc hoc breve. Teste W. H. apud Stafford 6 die Junij Anno Regni nostri, &c.*

Ad quem diem A. B. Armig' Vicecomes Comitatus predicti Retornavit quod ipse Non est inventus in Balliva sua, & ipse non venit, ideo preceptum est sicut alias, &c.

Alias.

2. *Jacobus, &c. Vicecom' &c. precipimus tibi sicut alias tibi preceperimus quod non non omittas, &c.*

Ad quem diem, &c. & ipse non venit, ideo Preceptum est Vicecom' sicut plures, &c.

He

He may appear *gratis* to avoid an Attachment of his Body, 3 *Ed.* 4. 16. *Jours Br.* 2. 16. And this is the Reason its Entred, & *ipse non venit*, *Dalt.* 404. 405. *cap.* 132.

3. *Jacobus* &c. Vicecom' &c. salutem, Precipimus tibi sicut pluries tibi *plur.*  
Precipimus quod non omittas, &c.

Ad quem diem *A. B.* Armiger Vicecom' Comitatus predicti Retorn' quod predicti *C. D.* Non est inventus in &c. & ipse non venit, ideo Precept' est quod Exigi facias &c. *Dalt.* 406. *cap.* 132.

4. *Jacobus* &c. Vicecom' &c. salutem, Precipimus quod Exigi facias *Exigent.*  
*C. D.* & *A.* in Com. tuo Yeoman, quodque secundum legem & consuetudinem Regni nostri *Angliae* Utlagatur si non comparuerit, & si comparuerit tunc eum Capias & Salvo Custodiri facias, Ita quod Habeas Corpus ejus Coram Justiciariis Pacis nostrae nec non Justiciariis nostris ad diversas Felon' Transg' & alia Malefacta in eodem Comitatu tuo perpetrat' audiend' & terminand' Assignat' ad Generalem Sessionem Pacis Comitatus tui proximè post Festum Sancti Mich' Archangeli proximum futur' tenend' ubicunque in eodem Comitatu teneri contigerit ad respondendum Nobis de diversis Transgr' Contempt' & Offensis de quibus ipse Indictus existit & habeas ibi tunc hoc breve. Teste &c. *H.* apud *Staff.* 8. die *Sept.* Anno Regni &c. *Dalt.* 406. *cap.* 132.

Ad quem diem *A. B.* Armiger Vicecomes Com. predicti Retorn' quod ad Com. *Staff.* tentum apud *Stafford* quinto die *Maij* Anno Regni Domini Regis nunc secundo & hic ad quatuor alios Com. tunc proximè sequent'. Ibidem tent' predicti *C. D.* exactus fuit & non comparuit ideo Utlagatus fuit.

XXXV. *Crompt.* 233 And he must shew the days when the Counties *Days.*  
were as it seemeth Process, *Br.* 149.

2. Note, Where the Process Issueth upon an Endictment of Felony, then the first Process shall be a *Capias*, and then a *Capias alias*, and then an *Exigent*, and the Entry of the Process shall be *ut supra, mutatis mutandis.*

3. *Nota*, That an Entry must be made in the Roll with the Clerk of the Peace, which shall be a Warrant of every Process that shall be Awarded, as it seemeth. And 2 *R.* 3. 12. it appears that the Writ must be Warranted by the Roll, See *Dyer* 211.

4. And a Man that hath day to appear by the Roll, or is to have corporal Penance, or is to loose an Inheritance if he doth not come there he shall be received to appear notwithstanding the Writ be not returned served, which see *Kell.* 166 b. pl. & 10. *H.* 7. 11 b. *Jours* 29. *Br.* 93.

XXXVI. *Dalt.* 329. *Cap.* 117. Recites *Crompt.* 148 *Supra.* And I once received a Warrant, brought me by one *Thomas Evans*, a Purfevant or Messenger of his Majesties Chamber, Anno 1607. under the hand of the Right Honourable *Thomas* Lord *Ellesmore* Late Lord Chancellor of *England*, for the apprehending of one *James Malin* for a matter of Contempt, and the said Warrant was in general words, *scil.* to Answer to such Matters as were to be objected against him without any special Cause therein mentioned, *infra.*

2. Also I saw another Warrant 3 *Jac.* granted under the hand of *Popham*, Chief Justice, to bring one *Edmonds* of *Barnwel* by *Cambridge* before him, to answer to such Matters as he had to object against him on the Kings Majesties behalf, without any special Cause or Matter therein set down, *Libr.* *Intr.* 83.

3. But



3. But it is not safe for a Justice of Peace to grant out his Warrant with a blank; for about 30 *Eliz.* one wrote to Sir J. R. a Justice of Peace to send him a Precept or Warrant with a blank that he might put therein one whom he would Attach upon Suspicion of Felony, and the Justice of Peace did so, granting a Warrant with a blank, where he neither knew the Parties Name, nor the Matter; and for this the Justice was fined in the *Star-Chamber*, as *Crompt. Jurisd.* 34.

*Zach.*

XXXVII. *Dalt.* 330. *cap.* 117. Also the Justices of Peace in divers Cases do use to grant their Warrant against a Man for his neglect, or other default, as for refusing to pay down rates, and the like, and such Warrant may be either to attach the Offender to be at the next Sessions there to answer, &c. or else to bring the Offender before the said Justice, or any other Justice, &c. who finding Cause may bind such an Offender to appear at the next Sessions to answer the said default, *Lambert.* 187. *Supra.*

2. And wheresoever any Statute doth give Authority to the Justices of Peace to cause another Person to do a thing, there it seemeth they have Power given them of congruity to grant their Warrant to bring such Person before them, that so they may take Order therein, *Lambert* 512 *supra.*

*Suggestion*

XXXVIII. *Dalt.* 330. 331. *cap.* 117. But I find it much controverted, 14. H. 8. 16. *Peace Br.* 6. *Commission Br.* 3. *Crompt.* 147 b. *Lambert* 188. 189. *supra.* Whether a Justice of Peace may grant a Warrant to Attach Persons suspected of Felony, or against Offenders upon a Penal Statute, unless such Persons or Offenders be first thereof Indicted, for that the Justice of Peace, as he is a Judge of Record, so it is said he must have a Record whereupon he doth Award his Process or Precept.

2. For the first, Some hold that the Justice of Peace may grant his Warrant to Attach Persons suspect of Felony, for that it seemeth in the first *assignavimus* in the Commission, § 13. and by 5 *Ed.* 3. 14. § N. that any one Justice of Peace may cause the Constables to Arrest and imprison Offenders suspect of Felony, &c. and how shall the Justice of Peace cause this to be done, but by his Warrant or Commandment?

3. Again, If a Felony be done, there is no doubt but that every Private Man, without a Warrant, may Arrest whomsoever he suspecteth of it, being a Man of Evil Fame, &c. but if the Offender, being pursued shall resist, *Quare* who shall be aiding to a Private Man whose Goods are stoln, and who suspecteth another to have stoln them, either to search for his Goods, or to apprehend the Party suspected, if the Justice of Peace by his Warrant shall not command the Constable to aid him therein: If it be objected, that the Constable may do all this of his own Authority upon request to him made by the Party Robbed; be it true, yet we find by common Experience that the Constables, without the Justices Warrant therein, are for the most part both very fearful, and also remiss herein, as neither knowing their own Authority, nor the Danger.

4. Besides this is no new thing, for there is such a President in the old Book of Justices of Peace, *Impress.* 1561 *fol.* 41. yea, it is the common Practice at this day, and it seemeth to be very serviceable, and of two Evils the less is to be chosen, *scil.* that an Offender or suspected Person should be Imprisoned for a time, though sometimes wrongfully, than that one which hath committed a Felony should escape unpunished.

5. Next, For the Justices of Peace to bind one or to grant a Warrant against Offenders upon any penal Statute to appear at the Sessions to answer to their Offences or fault, though such Statute be within the Power of the Justices of Peace, yet such Warrant or binding over of such Offenders may seem not Warranted unless it be specially so appointed in the Statutes. But such Offenders ought first to be Indicted, and thereupon Process from the Sessions is to be Awarded against them untill they come in, &c. Indictment

6. And yet there be sundry Precedents of Attachments made from one Justice of Peace against Labourers, &c. but these may seem also to have been Warranted, &c. by 25 Ed. 3. 6. § 1. N. 1. which Statute is now repealed by 5 Eliz. 4. § 2. N. 1. Lambert 187. *supra*.

7. Also it is usual, by way of prevention to bind by Recognizance such as do Tramel for Larks, that they shall destroy no Partridges.

As also to bind by Recognizance Butchers, and all Viſtuallers, that they shall not kill nor drefs any Fleſh in *Lent* time contrary to the Laws; and for these purposes the Justices of Peace, do grant out their Warrants to convent the said Persons before them; (for Viſtuallers, *viz.* Taverners, Inholders, Alehouse-keepers, Keepers of Ordinary Tables, and other Viſtuallers) I have known sundry Proclamations which seem to Warrant the Justices of Peace therein; but for the other, what Law or Warrant there be for it, I know not, untill the Offender be Convicted.

XXXIX. *Dalt.* 332. cap. 117. The Officer to whom any Warrant shall be directed and delivered, ought with all speed and secrecy to seek and find out the party, and then to execute his said Warrant. Officer.

2. And an Officer giveth sufficient notice what he is, when he saith to the Party, *I Arrest you in the Kings Name*, &c. and in such Case the Party at his Peril ought to obey him, though he knoweth him not to be an Officer: And if he have no lawful Warrant the Party grieved may have his Action of false Imprisonment against him.

XL. *Dalt.* 333. cap. 117. Where there be two or three known by the Name of *J. S.* of *D. Yeoman*, and upon a Warrant or other Process granted out against one of them, another of them is Arrested, an Action of false Imprisonment will not lye against the Officer for this, for the Officer is not bound at his Peril to take notice which of them is the Offender, &c. and perhaps no particular Offence is mentioned in the Warrant: Yet see *L. 5 Ed. 4. 51. & 84. pro & contra*, & *11 H. 4. 90. & Crompt. 174. supra, ideo Quare.* Notice.

2. Where a Warrant is granted out against *J. N.* the Son of *W. N.* and the Officer thereupon Arresteth *J. N.* the Son of *T. N.* although in truth he be the same Person that Offended, and against whom the Complaint was made, yet this Arrest is tortious, and the Officer Subject to an Action, *10 Ed. 4. 12. Faux Imprisonment Br. 38.*

3. The Officer upon any Warrant from a Justice of Peace for the Peace, or Good-behaviour, or in any other Case where the King is a Party; may by force break open a Mans house to Arrest the Offender &c.

XLI. *Dalt.* 334. cap. 117. If a Justice of Peace shall grant his Warrant to one to apprehend another for Murder, Robbery, or Felony, it shall be safe for the Justices, upon delivery of the said Warrant, to take upon Oath the Examination of the said Party that requireth the Warrant, or at least to bind him over by Recognizance to give Evidence at the next Goal-delivery Examination.

delivery, &c. against the Offender, lest that afterwards, when the Offender shall be brought by the Officer before the Justice upon his said Warrant, or else happen to yield himself to the said Justice, then the Party that procured the Warrant be gone, *Lambert* 210, 211. *Proof* 1.

2. For by credible report I am informed, that one having procured a Warrant from a Justice of Peace in *Suffolk* against another for Robbery done upon the Highway, and the Justice upon the delivery of his Warrant, not having bound over the Complainant to give Evidence, nor taken his Examination, &c. that at the next Assizes and Goal-delivery the Party charged with the Robbery came and offered himself to the said Justice of Peace, who immediately acquainted Sir *Thomas Fleming*, then Lord Chief Justice and Judge of Assize there, with the whole matter, but the said Judge much blamed the said Justice of Peace for not having bound over the said Complainant at the first, when he granted him the Warrant; and charged the said Justice of Peace at his Peril, presently to send for the Party Complainant to come to give Evidence, &c. and further directed the said Justice of Peace presently to bind over the Party charged with good Sureties for his Attendance and Appearance. *Dalt.* 352. *cap.* 121.

*Arrest.*

XLII. *Dalt.* 335. *cap.* 118. If the Constable, or other Officer, upon a Warrant received from a Justice of Peace, shall come unto the Party, and require or charge or command him to go or come before the Justice, &c. this is no Arrest or Imprisonment; and upon a Warrant for the Peace, the Officer ought first to require the party to go before the Justice, before he may Arrest him, *Lambert.* 93. *supra.*

*Dignity.*

2. But the Justices of Peace are not to grant their Warrants for the Peace or the like, against any Noble-man: And yet if a *Capias* or Attachment shall be Awarded against a Baron or Peer of the Realm from the Kings Justices at *Westminster* for a Contempt: Or in Case of Debt or Trespas, the Officer without any offence of Law, may execute the same; for that the Officer is not to dispute the Authority of the Court.

3. Ecclesiastical Persons also may be Arrested, and that by a Warrant from the Justices of Peace in some Cases.

*Venire Fac.*

XLIII. *Dalt.* 405. *cap.* 132. The *Venire Facias* is thus.

*Carolus Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defensoris, &c. Vicecom' Com. Cantabr' salutem, Precipimus tibi quod non omittas propter aliquam libertatem in Balliva tua quin Venire Facias A. B. de C. in dicto Com. tuo Yeoman, Coram R. M. Milite & M. D. Armiger' duobus Justiciar' nostris ad Pacem conservand' nec non ad diversas Felonias Transgr. & alia Malefacta in dicto Com. perpetrata audiend' & terminand' Assignatis apud Lynton in Com. tuo 1 die Maij proximum futurum ad respondend' nobis super quibusdam Articulis super ipsum A. B. presentatis, & habeas ibi tunc hoc Preceptum. Teste R. M. & M. D. apud Lynton.*

*Distress.*

2. The *Distress* thus: *Carolus Dei Gratia &c. Vicecom' &c. salutem, Precipimus tibi quod non omittas propter aliquam libertatem in Balliva tua quin eam Ingrediaris & Distressas A. B. de C. in Com. tuo Yeoman, per omnia terras & tenementa &c. & quod de exitibus eorum respondeas &c. & quod Habeas Corpus ejus coram &c. Justiciar' &c. ad respondend' &c. Teste &c.*

*Justices.*

XLIV. *Dalt.* 404. *cap.* 132. The difference between Process and the Precept or Warrant of the Justices of the Peace, seems to be this, that the Precept or Warrant is only to Attach and Convent the Party before any Indictment



dictment or Conviction, and may be made either in the Name of the King, or of the Justice, &c. Process is always in the Name of the King, and usually after an Endictment found, or after other Conviction.

XLV. 2 *Inst.* 591. Hereupon it appeareth that the common Warrant or *Mittimus* to answer to such things as shall be objected against him, is utterly against Law, 4 *Inst.* 177. *Lambert* 187. *supra.* 12 Co. 103. *supra.* *Imprisonment.*

*Proclamation, see Notice, Process.*

### Proof.

### Evidence, Examination, Witnesses, Testimony, Accusation.

I. *Lambert* 210. 211. Every Justice, of Peace before whom any Person *Examination.*  
Arrested for Manslaughter or Felony, or Suspicion thereof, shall be brought ougth before he commit him to Prison; to take the Examination of such Prisoner, and the Information of those that bring him, and to put the same, or so much thereof as shall be material to prove the Felony in writing within two days after, and to take Bond of all such as do declare any thing material to prove the Offence to appear at the next general Goal-delivery, and to give Evidence there against the Offender, 2 & 3 *Ph. & Mar.* 10. § 2. *N.* 2. *Dalt.* 334. *cap.* 17. *Proces* 41. & *infra.* & *Dalt.* 295. *cap.* 111.

*Lambert* 213. 214. To this latter Opinion ( of taking Informations or *Oath.*  
Examinations on Oath ) I my self am ready to subscribe, as well because I have heard some Justices of Assize deliver their minds accordingly; as also for that I have found by Experience, that without such an Oath many Informers will speak coldly against a Felon before the face of the Justice, having belike first made their Bargain with the Offender or his Friends, before that the Justice did hear of the cause, *Crompt.* 194. § 5. *Dalt.* 171. *cap.* 70.

2. The Bond spoke of in 2 & 3 *Ph. & Mar.* 10. § 2. *N.* 4. and in some *Recogn. 91*  
others, seemeth to be meant of a Recognizance acknowledged unto the Kings use, conditioned to the performance of that which the Statute appointed, *Crompt.* 196. § 3.

3. For as in the Case of Surety of the Peace and good abearing, the Justice of the Peace takes usually a Recognizance, and is Warranted so to do, being made a Judge of Record as touching Matters of the Peace, though he hath no full words for it, either in any Statute, or in the Commission so being Authorized by 2 & 3 *Ph. & Mar.* 10. § 2. *N.* 1. to deal in this matter, he may be well said to have herein implied ( by good congruence ) a Power to Record the acknowledging of a Sum of Money forfeitable to the King, for not performing the Condition of the same, *Dalt.* 170. *cap.* 70. *Records.*

III. *Crompt.* 102 b. *pl.* 26. If a Man gives Evidence to a Justice of a Felony *Evidence.*  
against another, and will not be bound to give it at the Assizes, he shall be Committed by discretion, because the Statute 2 & 3 *Ph. & Mar.* 10. § 2. *N.* 4. saith, that he shall be bound to give it, 1 & 2 *Ph. & Mar.* 13.

## Certification.

IV. *Crompt.* 167 b. The Justice of Peace who takes any Examination, touching plaints entred in the Courts of Sheriffs against 11 H. 7. 15. § N. and doth not certifie it in the *Exchequer* within a quarter of a year after, shall lose 40 s. for his default therein by the said Statute.

## Recognizance.

V. *Crompt.* 197 b. pl. 25. A Coroner may take a Recognizance or Obligation of such who give Evidence before him *Super visum corporis*, to prove him that Kill'd the Party Culpable, and bind them to appear before the Justices of Goal-delivery, 2 & 3 Ph. & Mar. 10. § 2. N. 4. &c.

## Evidences.

VI. *Dalt.* 55. cap. 20. If one shall bring a Man suspected of Felony before any Justice of Peace, but refuseth to be bound to give Evidence against the Prisoner, either at the Goal-delivery or Quarter-Sessions as the case shall require, if such bringer hath given Evidence before the said Justice against the Prisoner, or can declare any thing material to prove the Felony, and will not be bound to give Evidence upon his Trial, the Justice of Peace upon his Discretion may commit to Prison such Person foregoing, or may bind him to his Good-behaviour.

## Imprisonment.

2. But if the bringer of a Person suspected of Felony, cannot declare any thing material to prove the Felony, nor any other Person then present, it seemeth the Justice ought not to commit the Prisoner; and so was the direction of Sir *David Williams* at the Assizes at *Cambridge*.

## Justices.

3. Yet the Justices shall do well to Examine the Prisoner, and if he shall confess the Felony, then to commit him; Or if upon his Examination there shall appear any just cause of suspicion: Or if the Prisoner be a Man of Evil Fame, and that there be a Felony committed, in these cases the Justices shall do well not to let him go, but at least to bind him over to the next Goal-delivery, and in the mean time to take further Information against him.

## Examination.

VII. *Dalt.* 49. cap. 20. Every Justice of Peace may and must take the Examinations of all such Felons or Persons suspected of Felony as shall be brought before him 2 & 3 Ph. & Mar. 10.

2. And must take Information against them of those that bring them, *scil.* of the Fact and Circumstances of the Felony and Fact.

3. And must put in writing such Examinations and Informations, or so much thereof as shall be material to prove the Felony, and must certifie them to the next general Goal-delivery.

4. And after such Examination and Information taken, then the Justice must commit such Felons to the Goal, or may Bail them if they be Bailable; but then there must be two Justices together, and the one of them of the *Quorum*.

5. And must bind over by Recognizance the Informers that do declare any thing material to prove the Felony, to appear, and to give Evidence against the Felon at the next general Goal-delivery to be holden within the County, City, or Town Corporate where the Trial of the said Felony shall be.

6. And if such Informer be unable to Travel, &c. then the Justice of Peace may take his Information upon Oath, and may Certifie the same, &c. and may forbear to bind such Informer to appear personally before the Justices at the Goal-delivery.

7. If the Justice of Peace shall not Certifie such Examinations and Informations to the next general Goal-delivery; or if the Justices of Peace shall not Certifie their Bailment, or shall not bind over the Informers to appear and to give Evidence against the Felon at the next general Goal-delivery,

delivery, &c. the said Justice of Peace shall be fined for every such default or Offence at the discretion of the Justices of Goal-delivery 1 & 2 *Ph. & Mar.* 13. § *N.* and 2 & 3 *Ph. & Mar.* 10.

8. But yet if it be for Petty Larceny, or other small Felonies, the Justice of Peace may bind over the Informers, and may Certifie the Examinations and Informations to the next Quarter-Sessions of the Peace; and this was the Advice and Direction of Sir *David Williams* Knight late one of the Justices of the *Kings Bench* at the Assizes at *Cambridge*.

For said he, It was not meet to keep poor Prisoners in the Goal for small Matters or Felonies from one Assizes to another, and therefore he gave order that the Justices of Peace, at their General-Sessions of the Peace, should try and deliver Offenders for small Felonies, *Dalt.* 295. cap. 111.

VIII. *Dalt.* 52. cap. 20. But in the former Cases of Felony by the Kings *Coron.* Servant, on 3 *H.* 7. 24. § *N.* and Manslaughter within the Verge, &c. on 33 *H.* 8. 12. and of razing of Records by 8 *H.* 6. 12. &c. and of Forgery on 5 *Eliz.* 14. and of Imbezelling Armor on 33 *H.* 6. 1. § *N.* If any such Offender shall be brought before any Justice of Peace, and charged with any such Felony, *Quære* how far the Justice of Peace is to deal, or what he is to do therein, considering the Justices of Peace are no Judges of such Felonies, neither have they any Jurisdiction given them by the Statutes in such Cases.

And yet, 2. It may seem both serviceable and safe for the Justice of Peace *Certificati.* to Examine the Offence, and then to Certifie his Examination to such Persons as by the Statutes are made Judges of the cause.

But, 3. It seemeth in the four last Cases, the Justice of Peace may not commit such an Offender to Prison, nor bind over the Informers, nor take the Information upon Oath.

IX. *Dalt.* 53. cap. 20. By the letter of 2 & 3 *Ed.* 6. 24. § *N.* the Jurisdiction over the last recited Felonies ( of stealing goods or Strokes in another County, &c. ) and over such Accessories is not committed to the Justices of Peace to Proceed to the Trial of them; but this Authority is remitted to the Justices of Goal-delivery, or of *Oyer and Terminer*; yet the Justices of Peace may Examine these Offences, and take Information against the Offenders, and Certifie the same to the next General Goal-delivery, and may bind over the Informers, and commit the Offenders. *Trial.*

Also the Justices of Peace may enquire thereof, and take Indictments against them, as in other cases of Felony.

X. *Dalt.* 54. cap. 20. And if any such Offender against &c. 5 *Eliz.* 1. *Pop.* or 13 *Eliz.* 2. or 23 *Eliz.* 1. of Bulls, Absolution, or Popery, &c. shall be brought before any Justice of Peace, and charged with any such Offence, it shall be the Justices part to take the Examination of such Offences, and to bind over the Accusers and material Informers to appear, and to prefer a Bill of Indictment, and thereupon to give in Evidence to the Inquirors against such Offenders at the next Quarter-Sessions, as it seemeth, or at the next Assizes or general Goal-delivery, or else in the *Kings Bench*, whensoever upon reasonable warning they shall be thither called, and then to commit the Offender to the Goal, and after to Certifie the said Examinations, Informations, and Recognizances by him taken to the said Sessions or Goal-delivery, or in *B. R.* &c.

XI. *Dalt.* 296. 297. The Justices of Peace have Authority by 1 & 2 *Ph. & Mar.* 13. § *N.* to bind by Recognizance all such as do declare any thing material to prove the Felony, to give Evidence against the Offender, and yet the Wife is not to be bound to give Evidence, nor to be Examined *Ex. & F. &c.*



against her Husband, for by the Laws of God, and of this Land, she ought not to discover his Counsel or his Offence in case of Theft or other Felony, as it seemeth, See *Stanf.* 26 b.

2. Nay, I have known the Judge of Assize greatly to disallow, that the Wife should be Examined or bound to give in any Evidence against others in case of Theft wherein her Husband was a Party and yet her Evidence was pregnant and material to have proved the Felony against others that were Parties to the same Felony, and not directly against the Husband, 1 *Inst.* 6 b.

Testimony.

3. But for Children, I find in the Book of the Discovery of Witches at Lancaster Assizes, Anno 1612. that the Son and Daughter of *Elizabeth Deuice* a Witch, were not only Examined by the Justices of Peace against their said Mother, and the said Examinations Certified, and openly read upon the Arraignment and Trial, but the Daughter also was commanded, and did give open Evidence against her Mother, then Prisoner at the Barr.

4. I find further in the said Book 4. of the Discovery of Witches, that two Children, the one about Nine years of Age, the other of Fourteen, did upon their Oaths give Evidence against the Prisoners upon their Arraignment. The like was done at Cambridge at Lent Assizes, Anno 1619. before Sir *Henry Mountague* Lord Chief Justice of B.R.

5. Accusation or Information by one that is unable to travel or decrepit, is good; and may be taken by the Justice of Peace upon Oath, and certified at the next general Goal-delivery or Sessions of the Peace, as the Case shall require.

6. If one be an Accuser upon his own knowledge, sight, or hearing, and he shall utter the same to another, that other may be an Accuser, *Dyer* 99. pl.

7. And note, That an Offender confessing any Felony upon Indictment or otherwise against himself, may also accuse others of the same Felony, and such Accusation may be taken by the Justice of the Peace, &c.

8. Two Inform against another in matter of Felony, and they vary in their Tales, (*viz.* in the Day and Place when and where the Felony was committed) such Information is not much to be credited. See the Story of *Susanna*.

9. He that is Examined, if part of that he speaketh be proved to be false, he is not to be credited in the residue of his Information, and therefore we shall find in 16 *Ed.* 4: That a man who was produced as a Witness in the Chancery, in his Deposition he was found to swear false in part, and thereupon his Testimony was utterly rejected.

10. A man Attainted of Perjury, and the King pardons and restores him, &c. *Quere* whether such a persons Information shall be allowed against a Prisoner; for the Old saying is, Once forsworn and ever forsworn. But in the Case of the Lord *Cestlemain* B.R. in *Trin.* 32 *Car.* 2. *Dangerfield* was allowed to be a Witness in like Case; but the Credit of such an one is left to the Jury, on the Circumstances of the Trial that concur therewith; and thus also its intended in *Dalt.* 297. cap. 111. and *Crompt.* 127 b. Such who are Attaint at the King's Suit in Conspiracy, or of Forgery of false Deed, shall not be received to give Testimony, and that they must have the Record ready *sub pede sigilli*, if it be not resident in the same Court where any Challenge is made, 33 *H.* 6. 1.

11. But if one be brought before a Justice of Peace upon Suspicion of Felony, although the Information against the Prisoner shall be by such Witnesses, yet it seemeth safest for the Justices of Peace to take their Information for the King, and to bind them over to give Evidence, &c. and to commit

commit the Party suspected, and upon the Trial to inform the Justices of Goal-delivery concerning the Credit of those Witnesses.

XII. *Dalt.* 297, 298. *cap.* 111. When a Prisoner shall be brought before the Justice of Peace for Felony, or Suspition thereof, but they that bring him, or first complained of him, will not or cannot inform any material thing against the Prisoner, yet it seemeth the Justice of Peace ought to Commit the Party suspected (after his Examination taken) and to bind over such as did first Accuse the Prisoner, or such as do bring him before the Justice, to give Evidence, &c. and if afterwards the said Justice shall hear of any other person that can inform any material thing against the Prisoner to prove the Felony whereof he is suspected, the said Justice may grant out his Warrant for such persons to come before him, and may also take their Information, &c. and may bind them to give in Evidence against the Prisoner; for every one shall be admitted to give Evidences for the King, *Stanf.* 163. *Imprisonment.*

2. And it seemeth fit that the Parties grieved be bound not only to give in Evidence, but also to prefer a Bill of Indictment against the Prisoner, and the other persons may be bound to give in Evidence only. *Testimony.*

3. And for that men should be the readier and more willing to give Evidence against Felons, 21 *H.* 8. 11. *q. N.* hath enacted, That if any man hath any Goods stolon from him, if the Felon be thereof Indicted, and after in any sort Attainted or Arraigned, and thereof found Guilty by reason of Evidence given by the Party robbed, or Owner of the same Goods, or by any other by his procurement, then the Party robbed, or the Owner of the Goods shall be restored to his said Goods, though he never made any fresh Suit, or Hue and Cry, before which Statute, 21 *H.* 8. 11. the Party rob'd could have no Restitution without suing of an Appeal against a Felon, and fresh Suit made. *Restitution.*

XIII. *Crompt.* 194.

*Promoters, see Information.*

*Prophecying, see Conjuratation.*

*Property, see Chattels.*

*Pursuit, see Fresh Suit.*

*Putting out of Eyes, see Trespass.*

## Purveyors.

### Carriage.

I. **L** *Ambert* 417, 418. Enquiry in Sessions if any Purveyor for the Kings Majesties House, or his Undertaker, Deputy, or Servant have made any Purveyance without Warrant, and have carried any thing away against the consent of the Owner, being above 12 *d.* in value, 28 *Ed.* 1. *St.* 3. *cap.* 2. *Artic. super Chartas* 18 *Ed.* 2. *cap.* ult. *pag.* 85. *§* 5 *Ed.* 3. *cap.* 2. *§* 2 *§* 3 *Ph.* *§* Mar. 6. 12 *Car.* 2. 24. *§* 12. *N.* 1. *Crompt.* 48.

2. If any Purveyor of the King, or his Undertaker, Deputy, or Servant, have taken any Carriage in any other manner than is contained in his Commission, 36 *Ed.* 3. 2. *Crompt.* 48.

3. Or

3. Or have made Purveyance without the Testimony and Appraisalment of the Constable, and four honest men of the Town, and without delivering Tallies or Indentures under his Seal testifying his Purveyances, the Goods being above 12 *d.* in value, 5 *Ed.* 3. 2. *Crompt.* 48 b. 25 *Ed.* 3. *St.* 4. *cap.* 1.

4. Or hath taken any Sheep with their Wools between *Easter* and *Midsummer* at small prices, and carried them to his own House and shorn them, *Crompt.* 48. 25 *Ed.* 3. *St.* 4. *cap.* 15.

*Quare* if the Felony of Purveyors made 36 *Ed.* 3. 6. *§* N. be not altered by 23 *H.* 6. 14. *§* N. *Crompt.* 48 a. 12 *Car.* 2. 24. *§* 13. *N.* 1.

II. *Crompt.* 48 b. Also you shall enquire that where 36 *Ed.* 3. 5. *§* 1. *N.* 3. it is ordained that none of the King's Household, being Purveyor or Foregoer to make Purveyance, nor take for any of the Household, but that they buy that which they need of those that will sell of their own accord; and if they do in other manner its Felony, 12 *Car.* 2. 24. *§* 13. *N.* 1.

III. *Crompt.* 48 b. The Warrant of a Purveyor shall be under the Great Seal by 36 *Ed.* 3. 2.

And by 11 *H.* 4. 28. he must have a Commission.

IV. *Lambert* 476. The Statutes 36 *Ed.* 3. 2. 3. & 4. shall be proclaimed by the Justices of Peace every year (openly at any Sessions of the Peace) and thereof to inform the People, 23 *H.* 6. 2.

V. *Lambert* 432, 433. Enquiry in Sessions if any Purveyor of the Kings Majesty have taken any thing of the value of 40 s. or under, without ready payment thereof, made 20 *H.* 6. 8.

2. If any Constable or Borsholder have not upon request made, assisted the Owners to resist the Purveyors so taking: And if any of the King's Officers have procured any to be Arrested or Vexed for such Resistance, 23 *H.* 6. 2.

3. If any Purveyor of Timber have felled, for the King's use, any Oak-tree meet to be barked, but only in barking time, other than Trees for building or repair of the Kings Houses or Ships: Or have taken any profit by the Lops, Tops, or Bark of any Trees taken by him: Or have taken from the Owner any more of any Tree than only the Timber of the same Tree, 1 *Jac.* 22. *§* 21. *N.* 1.

4. If any Purveyor have taken any thing of any man to the end to spare him, or have taken Corn by any other Measure than by the stricken Bushel, or by any more than eight such Bushels to the Quarter: Or have taken Carriage therefore without making ready payment, 25 *Ed.* 3. *St.* 4. *cap.* 1. & 36 *Ed.* 3. 3. & 1 *H.* 5. 10. 12 *Car.* 2. 24. *§* 13. *N.* 1.

5. Of Purveyors within five Miles of *Oxford* or *Cambridge*, See 2 *§* 3 *Th. & Mar.* 15. *§* 2. *N.* 1. 13 *Eliz.* 21. *§* 3. *N.* 1. *§* 39. *Eliz.* 18.

VI. *Crompt.* 155 b. Nor Purveyors of Noble Persons shall not be bailed, who offend against 23 *H.* 8. 14. *§* N. touching taking of Victuals against the good will of the Subject.

2. Nor Takers nor Purveyors of Victuals or Grain in the Villis of *Oxford* or *Cambridge*, or within five Leagues thereof, against 2 *§* 3 *Phil. & Mar.* 15. 13 *Eliz.* 21.

VII. *Lamberts Precedents* 13 b. *pl.* 35. A Presentment for unlawful Purveyance.

*Kanc. ff.* Juratores pro Dom. Rege super Sacramet' suum present' qd' primo die Julij An. Regni dicti Dom. nostri Jacobi, Dei ratia Angliae, Francia, & Hiberniae Regis, Fidei Defens. &c. Quidam H.W. nuper de G. in dicto Com. Tipler apud Can Com. predict' pra se ferens & asserens se esse unum ex provisoribus & emptoribus Hospitij dicti Domini Regis dicto primo die Anno supradicto



supradicto (Quo quidem tempore nullum ostendit aut secum habuit Warrantum sub magno aut parvo sigillo dicti Domini Regis apud C. predict' in Com. predict' tres Oves Castratas Anglice vocatas Weathers pretij xx solid' de Bonis & Catallis J.S.de C.predict' in dicto Com. Yeoman tunc ibidem existentes inventas sub colore Purveyancie pro dicto Hospitio Illegitimè ac Felonicè cepit & abduxit contra Pacem dicti Domini Regis ac contra formam diversorum Statutorum in hujusmodi casu provisorum & editorum. *West. Symb. 2 part. 122. Sect. 171.*

VIII. *Kilb. Precedents* 100. 101. A *Mittimus* for one that doth impress or take away any Cart, or other thing from the Owner, under pretence of Power from the *Green-Cloth*, for Carriage of his Majesties Provisions, not having lawful Authority to do the same, 12 *Car. 2. § 13. N. 1.*

To the Constables and Borsholders of the Hundred of A. in the said County and to the Keeper of his Majesties Goal at C. in the County aforesaid,

*Kent ff.* For as much as it hath been made appear unto me upon the complaint of A.B. of Sc. in the County aforesaid, that C. D. of E. hath Impressed a Cart for Carriage of his Majesties provisions, without consent of the Owner, on pretence or colour of a Warrant from the *Green-Cloth*, contrary to the Intent of the Statute in that case made and provided, These are therefore in his Majesties Name, at the request of the said A. B. to will and require you the said Constables and Borsholders and every of you, that you, some, or one of you, do take the said C. D. and him deliver to the said Keeper of the Goal aforesaid, together with this Precept, Requiring and commanding also you the said Keeper, to receive the said C. D. into the Goal aforesaid, and him there safely to keep untill the next Sessions, and thereof neither you, nor any of you, are to fail at your Peril; given under my Hand and Seal the Second day of May Anno 31. *Car. 2. Sc.*

IX. *Kilb. Precedents* 101. A Warrant for providing Carriages by two Justices, An 13 *Car. 2. § 2. N. 1.*

To the Constable and Borsholders of the Hundred of C. in the said County, and to every of them.

*Kent ff.* Whereas we have by Warrant from the *Green-Cloth* received notice to provide Carts and Carriages from the places adjacent, for the present Service of his Majesty, according to the form of the Statute in that Case made and provided, these are therefore in his Majesties Name to will and require you, and every of you, that you, some or one of you, do cause four sufficient Carriages within the said Hundred, each Carriage to consist of four able Horses, or six Oxen, or four Oxen and two Horses, to be and attend for the Service aforesaid at B. in the said County, upon the first of April next ensuing, at Eight of the Clock in the Forenoon of the same day. Hereof fail not at your Perils. Given under our Hands and Seals, Sc.

X. *Kilb. Precedents.* A Warrant to levy the Penalty for not appearing with Carriages for the King upon notice, on 13 *Car. 2. § 2. N. 2.*

To

To the Constable and Borsholders of the Hundred of *A.* in the said County and to every of them.

*Kent ff.* For as much as it hath been duely proved before us (*viz. two Justices by the Oath of the Officer or two other Credible Witnesses*) that *A. B.* of *C.* of the said County, was by you, some, or one of you, required to be and attend for his Majesties Service, according to the form of the Statute in that case made and provided, with one Carriage, consisting as by the said Act is required, at and in the County aforesaid, upon the second day of *May*, at seven of the Clock of the same day, and that the said *A. B.* did make default therein, contrary to the form of the Statute aforesaid, these are therefore in his Majesties name to will and require you, and every of you, that you, some, or one of you, do by Distress and sale of the Goods and Chattels of the said *A. B.* levy to his Majesties use Forty shillings by the said *A. B.* forfeited to his said Majesties use for the Offence aforesaid, rendring to the said *A. B.* the Overplus upon such Sale, if there be any. Hereof fail not at your Perils. Given under our hands and Seals the Day of, &c.

XI. *Kilb. Precedents* 103. A Warrant for Rates for lodging and horse-meet on 13 *Car.* 28. § 4. *N.* 1.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Whereas we have received Notice from the *Green-Cloth* that his Majesty will shortly pass through the Road in this County, leading between *B.* and *C.* we therefore according to the form of the Statute in that Case made and provided, do set down and appoint the Rates and Prices to be paid, during his Majesties abode within this division, for Hay, Oats, and other Accommodations for Horses, as is here under written, which Rates are to be observed, and kept, and obeyed by all Persons concerned at their Perils: And we do will and require you, and every of you that you, some, or one of you, do in the Market Town within the said Hundred, on the Market-day now next ensuing, cause to be proclaimed the Rates aforesaid: As also, that you do in like manner cause to be proclaimed the Rates aforesaid in all the Towns and Villages within the said Hundred, within &c. days now next ensuing, to the end that notice may be taken of the same Rates and Prices. Hereof fail not at your Perils. Given under our Hands and Seals the day of, &c.

For a Buttel of Oats, &c.

And so ratable for every greater or lesser Quantity, &c.

XII. *Kilb. Precedents* 104. A Warrant for levying the Penalty forfeited for not observing the Rates aforesaid, on 13 *Car.* 28. § 5. *N.* 2.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as it hath been duly proved before me, that *A. B.* of *C.* in the said County Inn-keeper hath taken of *L. D.* Yeoman of the Gards, more for his Lodging, &c. During his Majesties late abode within this Division, than by the Justices of Peace of this County was, according to the form of the Statute in that case made and Provided, set down, and appointed, contrary to the form of the Statute aforesaid, these are therefore

fore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy to the use of the said *C. D.* by Distress and Sale of the Goods and Chattels of the said *A. B.* 40 s. by him forfeited to the said *C. D.* for the Offence aforesaid, returning the Overplus to the said *A. B.* the Charge of the Distraining being first deducted; hereof fail not at your Perils, Given under my hand and Seal the day of, &c.

XIII. *Kilb. Precedents* 105. A Warrant for providing of Carriages for the Kings use, on 13. & 14. *Car.* 2. 20. § 1. *N.* 2.

To the Constable and Borshoulders of the Hundred of *A* in the said County, and to every of them.

*Kent ff.* Whereas we have received Notice in writing by Warrant under the Hands and Seals of *A.* and *B.* (two Justices by Warrant of the *L. High Admiral*, or two more of the Principal Officers or Commissioners of his Majesties Navy, or Master of his Ordnance, or Lieutenants of his Majesties Ordnance,) for providing of Carriages for the Service of his Majesties Navy (or Ordnance) These are therefore in his Majesties Name to require you, and every of you, that you, some, or one of you, do cause to be sent to *A.* Ten Carriages on the Second day of *May* next, furnished with Horses or Oxen sufficient for the said Service hereof; fail not at your Peril. Given under our Hands and Seals the day of &c.

XIV. *Kilb. Precedents* 106. Another Warrant against him who refuseth to provide Carriages on 13 & 14 *Car.* 2. 20. § 3. *N.* 1.

To the Constable and Borshoulder of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as it hath been duly proved before us that *B. C.* having had reasonable Notice to bring one Carriage to *T.* upon the first day of *May* last, for the service of his Majesties Navy (or Ordnance) according to the form of the Statute in that behalf lately made, hath wilfully neglected so to do, by which he hath forfeited 20 s. to the Kings Majesties use, These are therefore in his Majesties Name to require you, and every of you, that you, some, or one of you, do demand of the said *B. C.* to his Majesties use the aforesaid 20 s. and in default of Payment upon demand, that then you, some, or one of you, do forthwith levy the aforesaid 20 s. to the use aforesaid, by distress and Sale of the Goods and Chattels of the said *B. C.* rendring to him the overplus upon such Sale, if there shall be any, the Charge of Distraining being first deducted; hereof fail not at your Peril. Given under our Hands and Seals the day of &c.

*Quakers*, see *Religion*.

*Quarrelling*, see *Affray*.

*Quarter-Sessions*, see *Justices*.

*Quorum*, see *Justices*.



To the Constable and Borsholders of the Hundred of *A.* in the said County and to every of them.

*Kent ff.* For as much as it hath been duely proved before us (*viz. two Justices by the Oath of the Officer or two other Credible Witnesses*) that *A. B.* of *C.* of the said County, was by you, some, or one of you, required to be and attend for his Majesties Service, according to the form of the Statute in that case made and provided, with one Carriage, consisting as by the said Act is required, at and in the County aforesaid, upon the second day of *May*, at seven of the Clock of the same day, and that the said *A. B.* did make default therein, contrary to the form of the Statute aforesaid, these are therefore in his Majesties name to will and require you, and every of you, that you, some, or one of you, do by Distress and sale of the Goods and Chattels of the said *A. B.* levy to his Majesties use Forty shillings by the said *A. B.* forfeited to his said Majesties use for the Offence aforesaid, rendring to the said *A. B.* the Overplus upon such Sale, if there be any. Hereof fail not at your Perils. Given under our hands and Seals the Day of, &c.

XI. *Kilb. Precedents* 103. A Warrant for Rates for lodging and horse-meet on 13 *Car.* 2.8. § 4. N. 1.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Whereas we have received Notice from the *Green-Cloth* that his Majesty will shortly pass through the Road in this County, leading between *B.* and *C.* we therefore according to the form of the Statute in that Case made and provided, do set down and appoint the Rates and Prices to be paid, during his Majesties abode within this division, for Hay, Oats, and other Accommodations for Horses, as is here under written, which Rates are to be observed, and kept, and obeyed by all Persons concerned at their Perils: And we do will and require you, and every of you that you, some, or one of you, do in the Market Town within the said Hundred, on the Market-day now next ensuing, cause to be proclaimed the Rates aforesaid: As also, that you do in like manner cause to be proclaimed the Rates aforesaid in all the Towns and Villages within the said Hundred, within &c. days now next ensuing, to the end that notice may be taken of the same Rates and Prices. Hereof fail not at your Perils. Given under our Hands and Seals the day of, &c.

For a Buttel of Oats, &c.

And so ratable for every greater or lesser Quantity, &c.

XII. *Kilb. Precedents* 104. A Warrant for levying the Penalty forfeited for not observing the Rates aforesaid, on 13 *Car.* 28. § 5. N. 2.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as it hath been duly proved before me, that *A. B.* of *C.* in the said County Inn-keeper hath taken of *L. D.* Yeoman of the Gards, more for his Lodging, &c. During his Majesties late abode within this Division, than by the Justices of Peace of this County was, according to the form of the Statute in that case made and Provided, set down, and appointed, contrary to the form of the Statute aforesaid, these are therefore

fore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy to the use of the said *C. D.* by Distress and Sale of the Goods and Chattels of the said *A. B.* 40 s. by him forfeited to the said *C. D.* for the Offence aforesaid, returning the Overplus to the said *A. B.* the Charge of the Distraining being first deducted; hereof fail not at your Perils, Given under my hand and Seal the day of, &c.

XIII. *Kilb. Precedents* 105. A Warrant for providing of Carriages for the Kings use, on 13. & 14. *Car. 2. 20. § 1. N. 2.*

To the Constable and Borsoulders of the Hundred of *A* in the said County, and to every of them.

*Kent ff.* Whereas we have received Notice in writing by Warrant under the Hands and Seals of *A. and B. (two Justices by Warrant of the L. High Admiral, or two more of the Principal Officers or Commissioners of his Majesties Navy, or Master of his Ordnance, or Lieutenants of his Majesties Ordnance,)* for providing of Carriages for the Service of his Majesties Navy (*or Ordnance*) These are therefore in his Majesties Name to require you, and every of you, that you, some, or one of you, do cause to be sent to *A.* Ten Carriages on the Second day of *May* next, furnished with Horses or Oxen sufficient for the said Service hereof; fail not at your Peril. Given under our Hands and Seals the day of &c.

XIV. *Kilb. Precedents* 106. Another Warrant against him who refuseth to provide Carriages on 13 & 14 *Car. 2. 20. § 3. N. 1.*

To the Constable and Borsoulder of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as it hath been duly proved before us that *B. C.* having had reasonable Notice to bring one Carriage to *T.* upon the first day of *May* last, for the service of his Majesties Navy (*or Ordnance*) according to the form of the Statute in that behalf lately made, hath wilfully neglected so to do, by which he hath forfeited 20 s. to the Kings Majesties use, These are therefore in his Majesties Name to require you, and every of you, that you, some, or one of you, do demand of the said *B. C.* to his Majesties use the aforesaid 20 s. and in default of Payment upon demand, that then you, some, or one of you, do forthwith levy the aforesaid 20 s. to the use aforesaid, by distress and Sale of the Goods and Chattels of the said *B. C.* rendring to him the overplus upon such Sale, if there shall be any, the Charge of Distraining being first deducted; hereof fail not at your Peril. Given under our Hands and Seals the day of &c.

*Quakers, see Religion.*

*Quarrelling, see Affray.*

*Quarter-Sessions, see Justices.*

*Quorum, see Justices.*



*Ransome, see Amerciament.*

*Rape and Ravishment, see Coron, Women.*

*Razure, see Records.*

*Rates, see Taxes, Poor.*

*Rebellion, see Riot, War, Treason.*

### Recognizance.

#### Obligation, Sureties, Condition, Release, Certiorari, Pardon.

*Pledges.*

I. **L** *Ambert* 101, 102. A Justice of Peace, saith Mr. *Marrow*, may take this Surety of the Peace by a Gage or Pledge which shall not be forfeited thereby, but pawned only; so that the Party shall under a certain pain keep the Peace, which pawn he shall forfeit if he break the Peace, *Dalt.* 171. *cap.* 69.

*Paol.*

2. And by *Marrows* Opinion a Justice of the Peace may also take this Surety by an Obligation made to himself, by the Name of Justice of Peace; for so shall it be (saith he) *ad usum Domini Regis*.

But if it were made unto him, without his name of Justice of the Peace, then it could not be to the use of the King, unless it had the words *ad usum Domini Regis*.

*Records.*

3. *F. N. B.* 82. *D.* on the other side holdeth that such an Obligation, taken to the King by a Justice of Peace is nothing worth; for a man cannot be bound to the King, saith he, but only by matter of Record, unless he will afterwards come into a Court of Record, and confess it to be his Deed, and pray that it may be enrolled there, 9 *Ed.* 4. 31. *Dalt.* 171. *cap.* 70.

*Obligation.*

4. But the new Statute 33 *H.* 8. 39. § 52. (2.) *N.* 2. hath made a plain Law in these Cases, and willeth that all Obligations and Specialties made for any cause touching the King, shall be made in his own name by the words *Domino Regi*, and to none other Person to his use; and 33 *H.* 8. 39. § 52. (2.) *N.* 3. ordaineth further, That such Bonds shall be of the nature of a Statute Staple, and that if any person take any Obligation otherwise, he shall be imprisoned at the Pleasure of the King, or of his Honourable Council.

5. The safest way therefore is to take his Surety by Recognizance, as is commonly used, and that also by the words *Domino Regi*, and then upon the forfeiture thereof the King shall have Execution accordingly.

II. *Lam.*



II. *Lambert* 103, 104. Now if a Recognizance be meant to be taken <sup>Placet.</sup> for the Peace by a Justice of the Peace, and yet do not contain within it, or in the Condition thereof, that it was taken for the keeping of the Peace, it seemeth to be void, as being taken *Coram non Judice*, because a Justice of Peace hath not the power to take Recognizances generally, but for matters concerning his Office specially, *Dalt.* 171. cap. 70.

2. And therefore Mr. *Marrow* addeth further, That if the Recognizance be that the Recognizor shall not maim nor beat *A* yet it is not good, because it ought to be for the keeping of the Peace, and that may be broken otherwise, as by burning of the House of *A* or by such like Misdemeanor, *Dalt.* 171. cap. 70.

3. Although this Recognizance do not comprehend any time of Appearance, <sup>Days.</sup> but be generally to keep the Peace, yet it is good in Law, saith Mr. *Marrow*, because the chief scope is the keeping of the Peace, and the time is referred to the Discretion of the Justice, *Dalt.* 172. cap. 70.

4. But as it was moved, 2 *H.* 7. 1. pl. Whether the Justice of Peace <sup>Records.</sup> ought to bring in the Recognizance to the *Custos Rotulorum*, that the Party might be called upon it: So by the Statute 3 *H.* 7. 1. § 1. N. 26. it is plainly Enacted, That every Recognizance taken for the Peace shall be certified at the next Sessions of the Peace, that the Party may thereupon be called, and his default, if any happen, may be Recorded, whereby it seemeth that every Recognizance of the Peace ought not to contain the Appearance of the Party at the next Sessions, *Dalt.* 172. cap. 70.

5. And otherwise there may be some Mischief; for if the Party shall not so appear, he is at liberty, without a new Arrest, and not forth coming, to be bound over if he be so required.

6. And by Mr. *Marrow*, if the Recognizance contain a duty of Appearance, and yet have no person named before whom the Party so bounden shall appear, then may he appear where he will before the Justice of Peace which took the Recognizance of him, *Dalt.* 172. cap. 70.

7. Again, If the form of the Recognizance be in 20 *l.* to be levied only of the Goods, or only of the Lands of the Recognizor, it seemeth to be good enough; for peradventure the words (*of the Goods only*) or (*Lands only*) shall be taken to be void, seeing that the very acknowledgment of the sum of 20 *l.* before a Judge enabled to take it, both maketh it a Debt and implyeth the ordinary mean of Law to come unto it. *Dalt.* 172. cap. 70.

8. So if this Recognizance be taken to keep the Peace against one special Party only, Mr. *Marrow* thinketh it good, but advise well of it; for the words in the Commission of the Peace now be, to take Sureties *Erga nos*, & *Populum nostrum*, *Dalt.* 172. cap. 70.

III. *Lambert* 105, 106. I wish the Justice to go *via Regia*, following <sup>Appearance.</sup> the received form, Which I take to be thus:

Memorand' quod quarto die *Julij* Anno Regni Domini nostri *Jacobi* *Kanc.* ff. Dei gratia &c. *R. P. de E.* in Comitatu predict' Yeoman in propria persona sua venit coram me *J. L.* Milite, uno Justiciariorum dicti Domini Regis ad Pacem in dicto Comitatu conservand' Assignat' & assumpsit pro seipso sub poena viginti librarum, & *J. H. de L.* in Comitatu predict' Yeoman, & *J. F. de M.* in eodem Comitatu Husbandman, tunc & ibidem in proprijs personis suis similiter venerunt & manuceperunt pro predict' *R. P.* videlicet, Quilibet eorum separatim sub poena *C. solid'* quod Idem *R. P.* personaliter comparebit coram Justiciarijs dicti Domini Regis ad Pacem ad proximam generalem Sessionem Pacis in Comitatu predicto ad faciendum & recipiendum quod ei per curiam tunc & ibidem injungeretur & quod ipse interim Pacem dicti

U u u u z

Domini

Domini Regis custodiat, Erga ipsum Dominum Regem & cunctum populum suum & precipue versus *M. N. de Ightham* predict' Yeoman, & quod Damnum vel Malum aliquod Corporale aut Gravamen prefato *M. N.* aut alicui de populo dicti Domini Regis quod in Læsionem aut perturbationem Pacis ipsius Domini Regis cedere valeat Quovismodo non faciet nec fieri procurabit. Quam quidem summam 20 libr. predict' *R. P.* & quilibet manucapt' predictorum predictas seperales summas *C.* solid' Recognoverunt se debere dicto Domino Regi de terris & tenementis Bonis & Catallis suis Quorumlibet & cuiuslibet eorum ad opus dicti Domini Regis heredum & successorum suorum fieri & levare ad quorumcunque manus devenerit si contigerit Ipsum *R. P.* premissa vel eorum aliquid in aliquo infringere & inde legitimo modo convinci. In cuius rei testimonium, Ego predict' *J. L.* Sigillum meum apposui. Dat' &c. *Kilb. Precedents* 191.

2. Or thus a little different in Form :

*Kanc. ff.* Memorand' quod quarto die &c. *A. B.* de *Ightham* &c. & *C. D.* de eadem Yeoman, venerunt coram me *J. F.* &c. & manuceperunt pro *J. S.* nuper de *L. & C.* quod ipse personaliter comparebit coram me prefat' *J. F.* vel socijs meis Justiciarijs Pacis Domini Regis ad proximam generalem Sessionem, &c. & quod ipse interim geret Pacem erga cunctum populum Domini Regis & precipue erga *B. B.* &c. videlicet quilibet manucapt' predict' sub pœna xx libr. & predict' *J. S.* Assumpsit pro seipso sub pœna xl libr. quam quidem summam xl libr. predict' *J. S.* & quilibet manucapt' predictorum dictam summam xx libr. Recognoverunt &c.

3. And this may well be done also by a single Recognizance in Latin, with a Condition added or endorsed in English for the keeping of the Peace, and for the day and place of the Appearance at the Quarter Sessions.

*supplicavit.*

IV. *Lambert* 107, 108, 109. If the Surety were taken by vertue of a Supplicavit, then must the Justice of Peace, being in this Case but a Minister, make return of the Writ and Certificate of his doing into the Court from whence the *Supplicavit* did proceed, &c.

2. First let him note on the back of the *Supplicavit* thus :

Executio istius brevis patet in quadam Scheda eidem brevi annexa, *Dalt.* 173. cap. 70.

Then may the Schedule be thus :

Ego *T. F.* Miles, unus Custodum Pacis Domini Regis in Comitatu *K.* Certifico in Cancellariam dicti Domini Regis me virtute istius brevis mihi per *A. B.* in eodem brevi nominatum primo deliberati personaliter coram me (die & loco &c.) venire fecisse *T. R.* in dicto brevi nominatum ac eundem *T.* ad sufficientem securitatem & manucaptos pacis inveniend' secundum formam dicti brevis, videlicet, &c. (*as the Writ which is of divers forms shall appoint*) Compulisse. In cuius rei testimonium hujus presenti Certificationi meæ Sigillum meum apposui. Datum apud *D.* predict' in Com' predict' 25 die *Februarij* Anno Regni &c.

3. And if a *Certiorari* be directed out of the *Chancery* to the Justice of Peace for removing this Recognizance, because it was not sent up together with the Certificate (as there was no necessity that it should) then that Writ also may be thus answered.

Upon the back of the Writ thus :

Virtute istius brevis Ego *P. H.* unus Custodum Pacis Domini Regis in Com. *K.* tenorem securitatis Pacis (unde infra fit mentio) dicto Domino Regi

Regi in Cancellariam suam sub Sigillo meo distinctè & apertè mitto prout patet in Scheda huic brevi confuta.

The which Schedule may be thus :

Memorand' quod xx die Junij (reciting the whole Recognizance to the end) then in Cujus rei testimonium Ego predict' P. H. Sigillum meum apposui. Dat' &c.

4. And this form may serve also where a *Certiorari* is brought to a Justice of Peace, to remove a Recognizance of the Peace that was taken by him, *ex officio*, without any such Writ of *Supplicavit*, as *Register* 90.

5. But if the Recognizance be not thus removed from the Justices of Peace, then may he keep it till the *Certiorari* come to him for it, *Infra*.

6. On the other side, if the Recognizance were taken by vertue of his Office, then whether it were by his own Discretion, or at the Suit and desire of another, he must send or bring it in at the next Sessions to the *Custos Rotulorum*, so that the Recognizance may be there called; and if he makes default then the same default to be Recorded, as is appointed by the said Statute, 3 H. 7. 1. § 1. N. 27. *Dalt.* 173. cap. 70.

7. And although the Party that prayed the Peace, do not then appear at those Sessions, yet is not the default of the Recognizor discharged thereby, 39 H. 6. 26. *Surety Br.* 10. and the Justices may then of Discretion bind him over, which also they ordinarily do in some places for two or three Sessions together, by order amongst themselves, *Dalt.* 174 cap. 71.

V. *Lambert* 110. 111. 112. The Justice of Peace that of his own motion compelleth one to give surety of the Peace untill a certain day, may by like discretion before that day release it, *Fitzb.* 10. *Dalt.* 175. cap. 71. *Crompt.* 139 b.

2. And if it should fortune to be made to keep the peace general, without any day limited, then would it be construed that it was to continue during the life of the Party bound, and then could no Man release it, by *Fitzb.* and 21. *Ed.* 4. 40.

3. If at the Suit of *A.* the Recognizance should be taken to keep the Peace against *A.* only, and none other, then may *A.* release it either before the same Justice or any other that will Certifie the Release, which Certificate being of Record will discharge it, but to Release it by his deed is nothing worth, by *Marrow*, *Dalt.* 176. cap. 71.

4. And so if it be *Versus cunctum populum* & *precipue versus A.* yet may *A.* after that sort Release it, as the Law is now practised in our time, Clean against the Opinion of 21 *Ed.* 4. 40. for albeit that it seem popular, so that all others should have equal Interest with *A.* in it, yet was it taken specially, say they, for his safety, as the word *precipue* doth argue plain, and *Peace Br.* 17. truly saith, That it was used at that time also, *Dalt.* 176. cap. 71.

5. But since the Recognizance is made to the King, and not to the Party, though for his Security; and seeing also, that by such Release he that ought to remain Bounden shall be at liberty, and may do harm while intending to Beat *B.* he may collude with *A.* both to pray and Pardon the Recognizance of the Peace, I could for my part like better to maintain that old, than to Imitate this new Opinion, *Dalt.* 177. cap. 71.

6. And



6. And now whether the Recognizance be at the Suit of *A.* or by the meer motion of the Justices in the behalf of *A.* the King cannot Release or Pardon it before that it be forfeited, both for the mischief that may come to *A.* thereby, by *Fineux* Opinion, 11 *H.* 7. 12.

And for that the Recognizance being taken according to the common form, as is before set down, it is not properly a Debt to the King untill it be forfeited, as appeareth 11 *H.* 4. 43. & 1 *H.* 7. 19.

But being once forfeited, then he, and none other, may Pardon the forfeiture, for then it is become a Proper Debt unto him.

*Records.*

7. Now in these Cases, the Recognizance may not be cancelled, lest peradventure the Peace was broken, and consequently the Recognizance forfeited before the time of the Release made, *Fitzb.* 10. *Dalt.* 176. cap. 71.

And therefore it shall be the best in such Cases to send to the Sessions the Recognizance and the Release together, and that may be done in a few Lines under the Recognizance it self, *Dalt.* 173. 174. cap. 70. *infra.*

8. First, for the Release of the Justice thus,  
Ego prefat. *T. W.* Miles, Qui supra nominatum *A. B.* ad predictam securitatem pacis inveniend' ex mea discretionem compuli eandem securitatem pacis, quantum in me est ex mea discretionem 1 Die Aug. *Sc.* remisi & relaxavi. In cujus rei testimonium huic presenti relaxationi meae Sigillum meum apposui, Dat. *Sc.*

And for the Release of the Peace before the same Justice that took it, thus:

Memorand' quod 1. Die Aug. *Sc.* prefatus *C. D.* venit coram me *S. L.* & gratis remisit & relaxavit, quantum in se est predictam securitatem pacis per ipsum coram me versus supra nominatum *A. B.* petitam, In cujus rei testimonium Ego prefat. *S. L.* *Sc.* Dat. *Sc.*

But If the Release be made, as some think, it may before another Justice, which hath not the Recognizance, then this latter form must be framed accordingly, *Dalt.* 176. cap. 71.

*Appearance.*

VI. *Lamb.* 112. 113. 114. Furthermore if a Man be bound before a Justice of Peace to keep the Peace against all the Kings People, and to appear at the next Quarter-Sessions, and do afterwards procure a *Superfedeas* out of the *Chancery* testifying that he hath found Surety there against all the Kings People for ever, this will Discharge his Appearance at the Sessions, because the granting this *Superfedeas* is the Act of the King, which is the Fountain of Justice, and controlleth all other derivative Authorities, *Fitz.* 9. *Dalt.* 169. cap. 69.

2. But if that *Superfedeas* should testify that he hath found Surety in the *Chancery* only, untill a certain day, which day is after those Sessions, then Mr. *Fitzb.* thinketh that his appearance at the Sessions shall not be Discharged by the *Superfedeas*.

3. In both these Cases also I would advise the Justice of Peace to send in as well the Recognizance as the *Superfedeas*, if it come to his hands; for peradventure the Recognizance was broken before the *Superfedeas* purchased, or if it were not, yet he shall be Excused, and the Recognizor never a whit the more Endangered thereby.

4. Lastly,

4. Lastly the Death of the King dischargeth the Recognizance of the Peace, 1 H. 7. 2. *per Curiam*; so doth the Death of the Recognizor; and so also doth the Death of him at whose Suit it was taken, if so be that it were made to keep the Peace against him alone, *Dalt.* 177. cap. 71. *Abatement.*

5. But although the mainpernors or Sureties dye, yet the Recognizance liveth; for if the Peace be broken after their deaths, their Executors shall be charged with it, 21. *Ed.* 4. 40. *Dalt.* 177. cap. 71.

6. Neither in the former Cases is the Recognizance discharged by such death, if it were forfeited before, *Dalt.* 177. cap. 71.

7. And therefore here again my Counsel is to send in the Recognizance to the *Custos Rotulorum*, for otherwise how shall the Justice of Peace be assured that he doth not defraud the King of a forfeiture that was grown unto him.

VII. *Lambert* 114. 115. The Condition of this Recognizance, of what good form soever you make it, standeth upon two points, 1. For appearance at the time; 2. For keeping the Peace in the mean while, &c. *Forfeiture.* As to the latter, this is general, that whatsoever act is a breach of the Peace, the doing thereof doth also beget a forfeiture of the Recognizance that is made for the keeping of the Peace, &c.

2. If a Man be bound to keep the Peace against *A.* and do afterwards threaten *A.* to his face that he will beat him, he hath forfeited his Recognizance; *Dalt.* 177. cap. 72.

3. And an Action of Trespass lieth at the Common Law against him that shall threaten one to beat him, as appeareth in divers Book Cases 33 *H.* 6. 18. 37. *H.* 6. 20. &c. and shall suppose it to be *contra pacem*.

4. But otherwise it is if *A.* be not present at that threatening, by good Opinion, 18. *Ed.* 4. 28. yet if in the absence of *A.* he doth threaten that he will beat him, and then he afterwards lye in wait to beat him, he hath in that Case also broken his Recognizance, 22 *Ed.* 4. 35 b. *per Curiam*.

5. Like forfeiture is it if he that is bound do but command or procure another to break the Peace upon any Man, or to do any other unlawful Act against the Peace, if that it be done indeed 7 *H.* 4. 34 a. *temps H.* 8. *Peace Br.* 20.

VIII. *Lambert* 122. 123. the usual Recognizance of the good behaviour hath this form; *Kilb. Prcedents* 192. *Good behaviour.*

Memorand' quod quinto die Mensis Julij Anno Regni &c. venit coram nobis *H. P.* Miles, & *S. L.* Armigero &c. Justiciar' Dom. Regis ad Pacem nunc &c. *R.* de *E.* in Com. predict' Yeoman in propria persona sua & assumpsit pro seipso sub pœna CC libr. & *H. C.* de *L.* in Com. predict'. Yeoman, & *J. S.* de *M.* in eodem Comitatu Husbandman, tunc & ibidem in proprijs personis suis similiter venerunt & manuceperunt pro predict' *R. G. viz.* Quilibet eorum sepe ratim sub pœna C libr. quod Idem *R. G.* personaliter comparebit coram Justiciarijs dicti Domini Regis ad Pacem, &c. ad proximam generalem Sessionem, &c. & quod ipse interim se bene gerit erga Dominum Regem & cunctum populum suum & precipue erga *J. B.* de *C.* &c. & quod ipse non inferret ne inferri procurabit per se nec per alios Damnum aliquod seu Gravamen prefato *J. B.* seu alicui de populo Ipsius Domini Regis de Corporibus suis per insidias insultus seu aliquo alio modo quod in læsionem seu perturbationem pacis dicti Domini Regis cedere valeat quovismodo, quas quidem separales summas C libr. uterque predictorum *H. C.* & *J. S.* ut predictit pro se ac predictus *R. G.* dictus CC libr. recognoverunt se debere dicto Domino Regi de terris & tenementis Bonis & Catallis suis & quorum-

quorumlibet & cujuslibet eorum ad opus ipsius dicti Domini Regis fieri & levari si contingat prelatum R. G. in aliquo præmissorum deficere & inde legitimo modo convinci, &c. *Dalt.* 370. cap. 123.

2. Or by a simple Recognizance with this Condition endorsed or under-written.

Conditio recognitionis predictæ talis est, quod si predictæ R. G. in posterum se bene geret & pacem Domini Regis conservabit erga dictum Dominum Regem & cunctum populum suum & nullum Damnum Corporale, &c. extunc Recognitio predicta pro nullo teneatur, alioquin in suo robore permaneat.

*Release.*

3. I have known it doubted whither the Surety of the good abearing commanded upon complaint may be released by any special Person or no; because it seemeth more popular than the Surety of the Peace.

But if it may, then may the form of such a Release be easily made by that of the Peace, *Supra.* using the words *Securitatem de se bene gerendo* in stead of the words *Securitatem pacis*.

*Obligation.*

IX. *Lambert* 213, 214, 215. The Bond spoken of in this *Stat.* 2 & 3 *Ph.* & *Mar.* 10. § 2. *N.* 4. & 1 & 2. *Ph.* & *Mar.* 13. § 5. *N.* 2. and in some othes, seemeth to be meant of a Recognizance acknowledged unto the Kings use, and conditioned for the performance of that which the Statute appointeth, *Crompt.* 196. § 3.

*Coron.*

2. The Party therefore that Informeth against the Prisoner for Felony, may be thus bound in a single Recognizance.

*Ks. ff.* Memorand' quod tertio Die *Aprilis* Anno Regni Domini nostri *Jacobi* Dei Gratia, &c. *D. E.* de *B.* in Com. Predict. Yeoman, personaliter coram me *T. S.* uno Justiciariorum &c. ad Pacem &c. Assignatorum constitutus apud *B.* predict. Recognovit se debere dicto Domino Regi X libr. bonæ & legalis monetæ *Angliæ* de bonis & catallis terris & tenementis suis fieri & levari ad opus dicti Domini Regis heredum & Successorum suorum si defecerit in conditione indorfata.

And with such a Condition.

The Condition of this Recognizance is such, whereas one *A. B.* late of *G.* Laborer, was this presant day brought before the said Justice by the above bound *D. E.* and was by him charged with the Felonious taking of twenty Sheep of him the said *D.* and thereupon was sent by the said Justice to the Kings Majesties Goal: If therefore he the said *D.* shall and will at the next General Goal-delivery, to be holden in the said County, prefer, or cause to be framed and preferred one Bill of Endictment of the said Felony against the said *A. B.* and shall and will then also give Evidence there concerning the same, as well to the Jurors that shall then enquire of the said Felony, as also to them that shall pass upon the Tryal of the said *A. B.* that then, &c. or else &c.

*Peace.*

X. *Lambert* 12, 13. The Lord Chancellor or Lord Keeper of the Great Seal, the Lord Steward of *England*, the Lord Marshal and Constable of *England*, and every Justice of *B. R.* have closed in their Offices a Credit for conservation of the Peace over all the Realm, and may award Precepts, and take Recognizances for the Peace, by *Marrow* and *Fitzherbert*, and by good Opinion the Lord Treasurer of *England* may well be added to the same number, *Dalt.* 1. 2. cap. 1.

2. The



2. The Master of the Rolls also, by the Judgment of Mr. *Marrow*, is a general Conservator of the Peace by his Office, but he maketh process, and taketh Recognizance thereupon, not as incident to his Office, but by Prescription, *Dalt. 2. cap. 1.*

3. The Justices of *C. B.* and Barons of the *Eschequer* be Conservators within special places only, that is to say, within the Precincts of their several Courts; so also the Justices of Assize may Award a Man to Prison that breaketh the Peace in their presence, and they may command the keeping of the Peace under a pain, and that Weapons be taken from the Jurors or Witnesses that appear before them, if any complaint be thereupon made; but as they be merely Justices of Assize, they can neither take Surety of the Peace nor Award any Process for it, by *Marrow*, *Dalt. 2. cap. 1.*

4. The Justices of Goal-delivery may take Surety for the Peace of a Prisoner before them that was committed for not finding Surety of the Peace, by *Marrow*.

5. The Coronors, saith *Britton*, 3. be principal Conservators of the Peace within their Counties, and every Sheriff is a Conservator of the Peace within his County, as Judge *Fineux* affirmed, 12 *H. 7. 17.* and after him *F. N. B. 81. D.* where he saith, that the Sheriff may upon request made and without any Writ sent unto him, command a Man to find Surety of the Peace by Recognizance, *Crompt. 196 b. Infra. Dalt. 3 c. 1.*

6. The Steward of the *Marshalsey* may take Surety of the Peace by Recognizance also within the Verge by Prescription, *Dalt. 2. cap. 1.*

And the Constable and Marshall of the Kings House may see to the Conservation of the Peace within the same House, by *Marrow*.

7. The Steward of the Sheriffs Turn, the Steward in a Leet, or the Steward in a Court of Pypowders, cannot grant Surety of the Peace, unless it be by Prescription, *Dalt. 2. cap. 1.*

XI. *Kilb. Precedents* 190. A Recognizance to appear and Answer for *Bailment.* Felony.

Memorand' quod 20 die Maij Anno Regni Domini *Caroli Secundi*, &c. *R. C. de L. Generos. E. C. de L. predict. Generos. J. B. de eodem Gen. & M. C. de Eodem Yeoman*, venerunt coram me *J. H. Armiger* uno Justiciar' dicti Domini Regis ad Pacem in Com. predict. conservand' Assignat' & manuceperunt per *R. B. de L. in Com. predict. Gent. viz. Quilibet eorum corpus pro corpore quod idem R. B. personaliter comparebit coram prefatis Justiciariis & Socijs suis ad proximam Generalem Sessionem Pacis in Com. predict. tenend' ad stand' Rect. in Curia si quis versus eos tunc loqui voluerit de diversis Felonijs & Transgressionibus, unde idem R. B. Indictatus existit, ut dicitur, & ad respondendum dicto Domino de eisdem porut debet, Datum, &c.*

XII. *Crompt. 196. § 1.* A Justice of the Peace may take Recognizances of the Peace, because he is a Judge of Record, and yet the Commission doth not give it, *F. N. B. 80. Dalt. 170. cap. 70.* *Justices.*

XIII. *Crompt. 196. § 4.* Justices of Peace, Mayors, Bayliffs, Vicounts, and every other Chief Officers who find or know of any other using or exercising any unlawful Game, against 33 *H. 8. 9. § 14. N. 3.* may bind them by Obligation to the Kings use in such Sum as they conclude reasonable, that they shall not use such unlawful Games afterwards, *Crompt. 197 b. § 2 b.* *Games.*

XIV. *Crompt. 196. § 5.* Justices of Assize out of their Places granting the Peace, Another Justice of Peace there may make a *Supersedeas*, but not where its granted sitting the Court, as I heard was done at *Derby*, 43 *Eliz. Quare*, *Dalt. 168. cap. 69.* *Supersedeas.*

X x x x

XV.

- Alt.* XV. *Crompt.* 196. § 6. Justices of Peace may take a Recognizance of such who have Licence to keep an Alehouse, for keeping of good rule, and that they shall not use unlawful Games, there 5 & 6 *Ed.* 6. 25. § N.
- Variant.* XVI. *Crompt.* 196 b. § 7. If a Statute gives Power to a Justice of Peace to take a Recognizance or Obligation for any Cause, and the Justice of Peace inserts therein any other Cause, it seemeth that the whole Recognizance shall be void, as *Com.* 62. &c.
- Especially.* XVII. *Crompt.* 196 b. § 8. *Quere*, If a Justice of Peace may by his Discretion bind a Man to the good behaviour, who hath gotten a Woman with Child, to be forth-coming until the delivery, because that otherwise peradventure he will flie; but 18 *Eliz.* 3. § 2. N. 3. doth not give this, but it seemeth reasonable, *Lambert* 119. *Dalt.* 191. *Cap.* 75.
- Process.* XVIII. *Crompt.* 196. § 9. A Justice of Peace cannot Award process upon a Recognizance forfeit before them, as it seemeth, but must certifie it unto the *Chancery*, *B. R.* or *Exchequer*, by 3 *H.* 7. 1. § 1 N. 26. *Dalt.* 173. *cap.* 70. *Peace Br.* 11. *infra*.
- Constable.* XIX. *Crompt.* 196. § 10. A Constable may bind a Man by Obligation to keep the Peace, 10 *Ed.* 4. 18. *Surety Br.* 26. Recognizance, *Br.* 14. but 3 *H.* 4. 9. *Surety Br.* 23. *Contra*, as to the Obligation with Penalty, *Dalt.* 4. *cap.* 1.
2. *Lambert* 14. 15. These Constables were ordained, as it appeareth, 3 *H.* 4. 9. *Surety Br.* 23. & 10. *H.* 4. and *Fitzh.* 172. to keep the Peace, and to repress Felons, and might take Surety of the Peace by Obligation, if they found any Man making an Affray, or otherwise commit him to Prison untill he should find such Surety.
- I have read also that a Constable might at the common Law have Bailed a Suspect of Felony by Obligation, because he was a Conservator of the Peace.
- And that both he, and the Sheriff, lost this Authority by 3 *H.* 7. 3. § 1. N. 5. & 1 & 2 *Ph.* & *Mar.* 13. § 5. N. 2. the which Statutes in giving that Power to Justices of Peace do in the Opinion of some Men, take it from the Sheriff and Constable, reported by *Dalison Justice*, *Supra*.
- Sheriffs.* XX. *Crompt.* 196. § 13. A Sheriff may take a Recognizance of the Peace, *Virtute Officij*, as it seemeth *F. N. B.* 81. *D.* *supra*. because its an Office of Record, *Quere tamen*.
- Cattle.* XXI. *Crompt.* 196. § 14. Justices of Peace in their Sessions may take a Recognizance of Badgers and Drovers, that they shall not forestall nor ingrofs, nor do any other thing against the Statute of 5 & 6 *Ed.* 6. 14.
- Poor.* XXII. *Crompt.* 196 b. § 15. A Justice of Peace in Sessions may take a Recognizance of him that takes a Rogue in Service to appear at the same Sessions, a year next after 14 *Eliz.* 5. § N.
- Fowl.* XXIII. *Crompt.* 196 b. 197 a. § 16. A Justice of Peace may bind a Man for two years, that he shall not kill, nor take Pheasants, nor Partridges against the Statute 23 *Eliz.* 10. § 2. N. 5. And it seemeth it shall be by Recognizance, and yet the Statute doth not say whether it shall be by Recognizance or otherwise, and so he may bind him that Hawks in anothers Corn, contrary to the said Statute 23 *Eliz.* 10. § 5. N. 3. to appear at the the next General Sessions of the Peace to answer thereto (*Quere the Statute.*)

XXIV. *Crompt.* 197. § 18. Justices of Peace upon a *Supplicavit* of the Peace Directed to them out of the *Chancery*, shall take Surety of the Peace by Recognizance, as it seemeth *F. N. B.* 81. yet he saith, *Quære.*

XXV. *Crompt.* 197. § 19. Upon a *Supplicavit* of the Peace to the Sheriff and Justices of Peace, it seemed to *Danby* 9 *Ed.* 4. 32. that he may take Surety by Recognizance, because the Writ is as a Commission to them, and *F. N. B.* 81. accords.

XXVI. *Crompt.* 197. § 21. The Justices of Peace have no Authority to take Recognizance of any to appear at the Sessions to Answer to their default or offence, where the Statute doth not give it, as it seemeth, *Quære.*

XXVII. *Crompt.* 197. § 22. Two Justices of the Peace, whereof one is of the *Quorum* upon complaint by any Competent Judge of Tythes for any Misdemeanor of the Defend. in suit for Tythes, may cause him to be Attacht and Committed to Ward, till he hath found Surety to them by Recognizance or Obligation to the Kings use to obey the Process and Sentence of the same Judge, 27. *H.* 8. 20. § *N.*

XXVIII. *Crompt.* 197. § 23. On complaint to two Justices of Peace, whereof the one is of the *Quorum*, made by the Ecclesiastical Judge, who hath given Judgment of Tythes against another who refuseth to pay them, or Sums of Money for him adjudged to be paid; the Party so refusing shall be Attacht and committed unto the Goal untill he hath found Surety by Recognizance, or otherwise to perform the said Sentence, 32 *H.* 8.

XXIX. *Crompt.* 197. § 24. If a debate ariseth between a Master and his Apprentice for default of conformity in the Master, the Justice of Peace may bind the Master to appear before the Justices of Peace at the Sessions, 5 *Eliz.* 4. § *N.*

XXX. *Crompt.* 197 b. § 25. A Coroner may take a Recognizance or Obligation of such as give Evidence before him, *super visum corporis*, to prove him that killed the party guilty, and to bind them to appear before the Justices of Goal-delivery 1 & 2 *Ph.* & *Mar.* 13. § 5. *N.*

XXXI. *Crompt.* 197 b. § 26. Every Justice of Peace within a Month after the Offence may commit any that is vehemently suspected of speaking or reporting of slanderous News or Tales against our Lord the King that now is, if he doth not find Sureties to appear at the next Quarter-Sessions or Goal-delivery, there to remain untill he will find Surety, ut *Supra.*

XXXII. *Crompt.* 197 b. § 23. Where a Statute gives Power to a Justice of Peace to take Bond of any for his Appearance at the Assizes or Sessions: or to take Surety of any for any thing, it seemeth he may take a Recognizance, though it be not so expressly given.

XXXIII. *M.* 2 *H.* 7. 1. pl. 2. *Peace Br.* 11. If a Recognizance of the Peace be taken by a Justice of Peace, this may be Certified by a *Certiorari* (*supra*) though that the Justice of Peace doth not bring it to the Sessions nor to the *Custos Rotulorum*.

And if a *superfedeas* be returned to the Sessions, and no Recognizance; then a *Certiorari* may be Awarded to the same Justice to certify the Recognizance; yet see 3 *H.* 7. 3. §. 1. *N.* 4. that the Justice shall forfeit 10. *l.* if he doth not Certifie the Recognizance to the next Sessions, *Dyer* 265.



XXXIV. *Dalt.* 173. *cap.* 70. If the Justice of Peace shall not Certifie such Recognizance taken for the keeping of the Peace at the next Sessions, 3 *H.* 7. 1 § 1. *N.* 27. limiteth no penalty, and yet see *Peace Br.* 11. that the Justice shall forfeit 10 *l.* if he do not certifie the Recognizance of the Peace at the next Sessions: But Mr. *Brook* there mentioneth 3 *H.* 7. 3. § 1 *N.* 4. which was only for Bailment of Prisoners, and certifying the same, and so seemeth to mistake the Statute, *F. N. B.* 251. *F. Crompt.* 169 a, 167 b.

*Release.*

XXXV. *Dalt.* 173. 174. *cap.* 70. If he which demanded the Peace shall Release the Peace before the said next Sessions, then it may seem, though the Justice of Peace shall not Certifie the Recognizance, that the Statute (3 *H.* 7. 1. § 1. *N.* 26.) is not Transgressed or offended, for it hath been holden (*Crompt.* 169. in *Certiorari* 62. *N.* 2.) that the Party shall not be called in such Case upon his Recognizance, yet *Quare inde*; and see *Dalt.* 175 & 176 *cap.* 71.

2. But howsoever, it is better to Certifie the Recognizance for peradventure it was forfeited before the Release made. *Supra.*

*Appearance.*

XXXVI. *Dalt.* 174. 175. *cap.* 71. If the Justice of Peace shall not Certifie the Recognizance to the Sessions, yet the Party ought to appear, and to Record his Appearance, &c. as 18 *Ed.* 4. 18.

2. If the Party that is bound to appear, be so sick that he cannot appear, nor by any means travel at the day, yet it seemeth his Recognizance in strictness of Law is forfeit, &c. yet in this Case upon due proof of such his sickness, I have known the Justices of Peace in their Discretion have forbore to Certifie or Record such forfeiture or default, and that they have taken Sureties for the Peace of some Friends of his present in Court until the next Sessions.

But *Quare* how far this is Warrantable by their Oath: Besides the Party so bound might by *Certiorari*, *Dalt.* 70. *Cap.* 69. and *Crompt.* 81 b. have removed his Recognizance into the *Chancery*, or *B. R.* before the Day of his Appearance, and then he should not have needed to appear at the Sessions; for that the Justices there should have no Record whereupon to call him.

*Bar. & fem.*

3. If the Husband be bound that he and his Wife shall appear at such a Sessions, and that they shall keep the Peace in the mean time, &c. and at the day the Husband doth appear, but not his Wife, here *Crompt.* 144 b. saith, the Recognizance is not forfeit, &c. yet *Quare*, and see 8 *Ed.* 2. *Forfeiture* 17.

*Religion.*

XXXVII. 1 *Ed.* 6. 1 § 2. *N.* 2. And (three Justices of Peace at the least, *Quorum unus*) shall have Power and Authority by their Discretions to bind by Recognizance to be taken before them, as well the said Accusers, as all such other Persons whom the said Accusers shall declare to have Knowledge of the Offences (*viz.* of depraving the Sacrament, &c.) by them Presented and Intormed, every of them in Five pounds to the King, to appear before the said Justices of Peace, before whom the Offender or Offenders shall be Tryed at the day of Tryal and deliverance of such Offenders.

*Records, see Justices.*

*Recusants,* } *see Pope.*  
*Reconciliation,* }

*Recordare and Removal, see Certiorati.*

*Regrator, see Market overt.*

*Relation, see Days.*

*Release, see Peace, Recognizance.*

*Religious, Houses see Abbe.*

Religion.

*Church, Divine Service, Preachers Encumbent,  
 Pope, Quakers, Common Prayer, Sacraments, Sab-  
 bath.*

I. **L** *Ambert* 118. Moreover it seemeth to me that all these Statutes *Recognizance.*  
*Mar. 1. St. 2. cap. 3. § 4. N. 3.* which gave this Surety of good  
 Abearing against such as disturbed a Preacher, &c. have this one mean-  
 ing, that a Party so bound may afterwards forfeit his Recognizance if he  
 afterwards offend against the said Statutes.

II. *Lambert* 195. If any Offender contrary to the Statute *Mar. 1. St. Church;*  
*2 cap. 3. § 5. N. 2.* provided against the Disturber of any Preacher, shall  
 be Arrested and brought before a Justice of Peace, then he upon due Accu-  
 sation thereupon to be had by the said Arrester, or other Person, shall forth-  
 with Commit the party so taken to safe Custody by his Discreti-  
 on,

2. But enquire if *Mar. 1. St. 2. cap. 3. § 5. N. 2.* be not repealed by *1*  
*Eliz. 2. § 27. N. 1.* in general words, *Lambert* 411. and *Crompt.*  
 14.

III. *Crompt. 14.* Enquiry at Sessions upon *Mar. 1. St. 2. cap. 3. § 2. N. Ecclesiastical*  
 1. If any Voluntarily and of purpose by overt act, word or deed, mali- *Persons.*  
 ciously or contemptuously hath molested or troubled, or by any other un-  
 lawful ways or means, disquieted or misused any Preacher lawfully Autho-  
 rized, or other Person, Charged by Reason of his Spiritual Promotion or  
 Charge, in any his overt Sermon, Preaching or Collation in any Church,  
 Chappell, Church-yard, or other place used, or to be appointed, every  
 such Offender in the Premises, his Aiders, Procurers, and Abettors shall be  
 committed to the Goal by three Months, without Bail or Mainprife, and  
 shall remain there from thence untill the next Quarter-Sessions to be held  
 within the same County, City, or &c. at which Sessions, upon his Re-  
 conciliation and Repentance in this behalf before the Justices at the said  
 Sessions, he shall be delivered and shall be bound to his good behaviour for

a year, and if he will not, he shall remain there untill he will, *Dalt.* 192. cap. 41.

2. This Statute 1 *Mar.* 1. *St.* 2. cap. 3. § 2. *N.* 1. As to the said matter is not repealed, as it seemeth; for the Statute containeth divers several matters, and so is as Divers Statutes, as *Com.* 65. as it seemeth, *Lambert* 411. *Quere infra.*

IV. *Dalt.* 102. cap. 41 And yet Sir *Nicholas Hide* at *Bury* Lent-Assises 1629. delivered it (as I am credibly informed) that 1 *Mar.* 1. *St.* 2. cap. 3. was wholly repealed by 1 *Eliz.* 2. § 27. *N.* 1.

Process.

V. *Lambert* 333. 334. Within six days after Accusation had, that any Person hath disturbed a Preacher and after his Committing to safe Custody by one Justice of the Peace, one other Justice of the Shire must joyn with him in the Examination of the Offender, and may proceed to find him Guilty by his own Confession, or by two Witnesses, and thereupon Commit him to the next Goal for three Months, 1 *Mar.* 1. *St.* 2. cap. 3. § 5. *N.* 3. ask of the Continuance of this Statute.

Slander.

VI. *Lambert* 411. 412. Enquiry at Sessions, if any person have within these three Months, by contemptuous or reviling words, or have advi- sedly in any otherwise depraved, despised, or reviled the blessed Sacra- ment of the Body and Blood of Christ, 1 *Ed.* 6. 1. § 1. *N.* 6. revived 1 *Eliz.* 1. § 14. *N.* 1. *Crompt.* 12.

Justices.

VII. *Lambert* 361. It seemeth that three such Justices (*viz.* *Quorum unus*) may out of the Sessions take Information and Accusation by the Oaths of two honest Persons against such as shall deprave the Sacrament of the Body and Blood of our Lord and Saviour Jesus Christ against the Sta- tute, and Examine them what other Witnesses were then by, and to bind them all by Recognizance to give in Evidence at the day of Tryal, 1 *Ed.* 6. 1. § 1. *N.* 7. But enquire of this matter, *Dalt.* 133. 134. cap. 49.

Sessions.

VIII. *Crompt.* 124. The Justice of Peace shall enquire at every of their general Quarter-Sessions of those that speak irreverently of the Sacrament of the Body and Blood of our Lord Jesus Christ, 1 *Ed.* 6. 1. § 1.

Process.

IX. *Lambert* 516. Some other Statutes there be also that have extended the Authority of the Justices of Peace, in sending Process beyond the Bounds of their own Commission; for by 1 *Ed.* 6. 1. § 3. *N.* 1. three Justices of the Peace, the one being of the *Quorum*, may make Process against such as be thereupon Indicted for depraving the Sacrament, by two Writs of *Capias* and the *Exigent*, and by *Capias Utlagatum*, into any place with- in the Kings Dominions.

Church.

X. *Lambert* 197. Enquiry at Sessions, if any Person above sixteen years of Age do by the space of twelve Months forbear to repair to some Church, Chappel, or usual Place of common Prayer, contrary to the tenor of 1 *Eliz.* 2. § 14. *N.* 1. then any Justice of Peace of the County, where such Offender shall dwell, or be, may make Certificate thereof in writing in *B. R.* to the end that the Offender may thereupon be bound in *CCl.* at the least, with sufficient Sureties, to the Good-behaviour, for that his so long obstinacy, besides the other penalties, 23 *Eliz.* 1. § 5. *N.* 2. *Crompt.* 13 b.

Incumbent.

XI. *Lambert* 412. 413. Enquiry at Sessions, if any Person, Vicar, or Minister have refused to use the Common Prayers, or to Minister the Sa- craments according to the Book of Common Prayers, 1 *Eliz.* 2. § 4. *N.* 1. *Crompt.* 130a. *infra.*



2. Or wilfully standing in the same, have used any other form in open Prayers or in Administration of the Sacraments, or have spoken any thing in derogation of the said Book, or any part thereof 1 *Eliz.* 2. § 4. N. 2. 3. *Crompt.* 12 b. 13 a.

3. Or if any Person have in any Play, Song, or Rhime, or by any open word spoken in derogation of the said Book, or of any thing therein contained, or have caused or maintained any Parson, Vicar, or Minister to say any Common Prayer, or to Minister any Sacrament in any other manner than after the said Book, 1 *Eliz.* 2. § 9. N. 1. *Crompt.* 13 a. Slander.

4. Or have interrupted any Parson Vicar, or Minister to say open Prayer, or to Administer any Sacrament according to the same Book, 1 *Eliz.* 2. § 9. N. 3.

5. If any Person being above sixteen years of Age, and not having lawful and reasonable Excuse to be absent, have not repaired and resorted unto his or her Parish Church, or Chappel accustomed, or upon let thereof, to some usual Place where Common Prayer is to be used upon every Sunday and other Holy-day, and have not there orderly and soberly abiden, during the time of such Common Prayer, Preaching, or other Service of God, and how long such Person hath forborn so to repair and resort, 1 *Eliz.* 2. § 14. N. 1. & 23 *Eliz.* 1. § 5. N. 1. 3 *Jac.* 4. § 27. N. 1.

XII. *Crompt.* 12. *Ab.* As also you shall enquire if such Ecclesiastical Person who should say Common Prayer, and Minister the Sacraments in any Cathedral or Parish Church, or other place, hath not within this year and day said and used the Matins, Even-Song, Celebration of our Lords Supper, and the Administration of every of the Sacraments, and all their common and open-Prayers, in such order and form as is mentioned in the Book of Common Prayer, Authorized by Parliament, and none other, or otherwise, *supra.* 1 *Eliz.* 2. § 4. N. 1. Ecclesiastical Persons.

2. By the said Statute 23. *Eliz.* 1. § 8. N. 1. Justices of Peace may Enquire within the year and day of these Articles, but they cannot hear and determine them, but the Justices of Oyer and Terminer or of Assize may, by 23. *Eliz.* 1. § 9. N. 1. hear and determine.

3. But see if a Justice of Peace cannot Award Process upon the Endictment untill he appear and pleads to the Endictment, and then for Tryal send the Record in *B. R.* to the intent it should be tried by *Nisi prius*: Or if he shall send the Endictment in *B. R.* immediately without Awarding Process, because they have no Authority by the Statute 23 *Eliz.* 1. § 8. N. 1. but only to Enquire. Process.

4. It seemeth that he being Indicted hereof, shall make a Fine by the Discretion of the Court, though no Fine is given in the case aforesaid by the said Statute 1 *Eliz.* 2. § 4. N. 5. because it is a contempt, in as much as 1 *Eliz.* 2. § 3. N. 1. saith that he shall be bound to say, and use, &c. *ut supra*, Quere the intent of the Statute in this point, *Fines pro &c.* *Br.* 21. Amercement.

5. Every Priest, though he be no Vicar, Parson, or Stipendary Chaplain, nor obliged nor bound by his Cure to serve, &c. is within the purview of 1 *Eliz.* 2. § 4. N. 1. by reason of the first Clause 1 *Eliz.* 2. § 3. N. 1. which is, *that all and singular Ministers in any Cathedral or Parish Church, or other place &c.* which may be intended a Minister local and enducted, and at length by the Opinion of all, but one, *Dyer* 203. pl. it was held, That he shall be within the Statute, and that by reason of this Clause, 1 *Eliz.* 2. § 4. N. 1. *That if any manner of Parson, Vicar, or other whatsoever Minister, &c.* Whereby the meaning of the Parliament Encombre.

ament appears, that the superstitious Service in the Church should be abolisht, and the true Service planted in lieu thereof.

6. And under this Term (*Minister*) every Priest is included, and by this that he is *sacerdos*, he is bound *ex Jure Divino*, to Celebrate the Lords Supper and the Orisons of the said Supper.

7. And also it was held by all the Justices, That this Term *Clerk* is sufficient to prove him a Priest or a Minister.

*Pope.*

XIII. *Crompt.* 13. *Ab.* § 8. Enquiry at Sessions if any hath sung or said Mass, being thereof convicted, he shall forfeit CC Marks, and shall be Imprisoned a year, and thence untill he hath paid the said Sum, 23 *Eliz.* 1. § 4. *N.* 1.

2. And if any one voluntarily hath heard Mass he shall forfeit C Marks and shall be Imprisoned for a year, 23 *Eliz.* 1. § 4. *N.* 2.

3. See 5 & 6 *Ed.* 6. *cap.* 1. § 6. *N.* 1. that none is bound to be present at any Common Prayer that is not according to the Book upon pain of Imprisonment, &c. see the Statute, &c. And by consequence, such are not to be called before the Ordinary, nor to be Indicted.

*Church.*

XIV. *Crompt.* 16. *Ab.* If any hath quarrelled by words only, or chided or brauled in any Church or Church-yard, being proved by two lawful Witnesses before the Ordinary of the Place where the Offence was committed, he shall be suspended if he be a Lay-man *ab ingressu Ecclesie*, if he be a Clerk, then from the Administration of his Office as long as the Ordinary shall think convenient according to the fault, 5 & 6 *Ed.* 6. 4. § 1. *N.* 1.

2. If any one hath struck or laid violent hands upon any other in any Church or Church-yard, he shall be deemed Excommunicate, *Ipso facto*, and shall be Excluded out of the Congregation of Christ, 5 & 6 *Ed.* 6. 4. § 2. *N.* 1.

3. If any Maliciously strike any Person with any Weapon in any Church or Church-yard, or draweth any Weapon there to such intent, the Offender being thereof convicted by twelve, or his own Confession, or by two lawful Witnesses before the Justices of Peace in their Sessions, he shall have one of his Ears cut off, and if he hath no Ears, he shall be markt in the Cheek with a hot Iron, having the letter *F.* therein, in token that he is a Fray-maker, and shall stand also Excommunicate, *Ipso Facto*, 5 & 6 *Ed.* 6. 4. § 3. *N.* 1.

*Process.*

4. *Nota*, That an Endictment only without Answer thereto made, or Process of Utlary thereupon ended, is no sufficient conviction in Law to have the Corporal Penance appointed by the said Statute, 5 & 6 *Ed.* 6. 4. § 3. *N.* 1. *Dyer* 275 b. *per Curiam*, *Crompt.* 9 b. § 48. But whether he shall be said Excommunicate *Ipso Facto*, without proof or due Tryal, or without Sentence or proof of Witnesses before the Ordinary, was doubted *per Curiam*.

*Church.*

5. The King defends, and commands that Fairs nor Markets hence-forward shall not be held in Church-yards for the honour of Holy Church, 13 *Ed.* 1 *Stat.* 2 (3) *Winchester* 6. § 1. *N.* 3. *Lambert* 414. 415.

*Scholars.*

XV. *Crompt.* 16. Enquiry at Sessions if any hath kept or maintained any School-Master who doth not resort to the Church, as is mentioned 23 *Eliz.* 1. § 6. *N.* 1. or that is not allowed by the Ordinary of the same Dioces where such School-Master shall be kept, he shall forfeit 10 *l.* for every Month for keeping of such School-Master, The Laws, &c. 64. 65. *Abr.* 68. *Lamberts Precedents* 3. pl 7. *infra*.

2. And

2. And every School-Master presuming to Instruct youth, contrary to this Act, being thereof convicted, shall be disabled to be an Instructor of Youth, and shall be Imprisoned for a year without Bail or Mainprise, 23 Eliz. 1. § 7. N. 2. see 1 Jac. 4. §

XVI. *West. Symb. 2. part 114 b. sect 141.* Inquiratur per Domina Reg<sup>Endicment.</sup>ina si G. C. nuper de E. in Com. E. Clericus, 26 Die Martij, &c. apud E. predict' in Com. E. predict' in quodum loco ibidem vocat' the Vestry-house Juxta Ecclesiam Parochialem de E. predict' in Com. E. predict' voluntariè usus fuit privato aliò Ritu Ceremonia forma & modo Celebrationis Cœnæ Dominicæ vocat' the Lords Supper, quam in quodam libro Intitulat' Liber Communis Precationis & Administrat' Sacrament' & aliorum Rituum & Ceremoniarum Ecclesiæ Anglicanæ Authorizat' per Actum Parliament' tent' in Annis 5 & 6 Regni Domini Edwardi nuper Regis Angliæ sexti declarat' & mentionat' existit, videlicet dicend' & Celebrand' unam Privatam Missam contra formam Statuti in Parliament' dictæ Dominiæ Reginæ nunc apud Westm. Anno Regni sui primo tent edit' & provisi, & contra pacem ejusdem Dominiæ Reginæ coronam, &c.

Et si T. B. nuper de B. in Com. predict' Yeoman, & J. M. nuper de W. in Comitatu predict' Laborer, Die & Anno supradict' apud W. predict' in Comitatu predict' tempore Celebrationis predict' Cœnæ Domini modo & forma predict' fuerunt presentes & voluntariè audientes Missam predict' in forma predict' dictam & Celebratam contra formam Statuti predict' ac contra pacem, &c.

*Crompt. 259. pl. 89.*

XVII. *Lamberts Precedents 2 b. pl. 5.* For saying and hearing <sup>Pope.</sup> Mass.

Juratores super Sacrament' suum presentant pro Domino Rege, quod J. R. nuper de C. in Comitatu predicto Clericus 8. die Aprilis Anno Regni dicti Domini nostri Jacobi, Dei Gratia Angliæ, &c. Regis, fidei Defensoris, &c. apud C. predict' in Comitatu predict' voluntariè Dixit & Celebravit unam Missam contra formam cujusdam Statuti in Parliament' Dominiæ Elizab. nuper Reginæ Angliæ tento apud Westm. in Com. Middlesex, Anno Regni sui 23. in hoc casu provisi, & editi, & contra pacem dicti Domini Regis coronam & Dignitatem suam.

Et quod Maria B. de C. predicta in Comitatu predict' vidua dicto 8. die Aprilis Anno supradicto apud C. predict' in Com. predict' interfuit prefens tempore dictæ Celebrationis Missæ predict' ac eandem Missam sic ut preferatur dictam ad tunc & ibidem voluntariè Audivit contra formam Statuti predicti ac contra Pacem Coronam & Dignitatem dicti Domini Regis nostri.

XVIII. *Lambert Precedents 2 b. pl. 6.* An Indictment for being absent <sup>Church.</sup> the from Church, *West. Symb. 2 part 101. sect. 92.*

Essex ss. Juratores pro Domino Rege super Sacrament' suum presentant quod A. B. nuper de B. in Com. predict' Armiger', qui 10. Die Julij, Anno Regni Domini nostri Jacobi, &c. Regis, fidei Defensoris, &c. fuit etatis 16. Annorum, & ultra, non accessit, Anglicè, *did not repair*, ad Ecclesiam suam Parochialem de D. predict' nec ad aliquam Ecclesiam, Capellam, aut usualem locum Communis Predicationis, & ibidem moratus fuit tempore Communis Precationis, ad aliquod tempus *infra* sex Menses tunc proxime sequentes, sed abstinuit ab eisdem, Anglice, *but forbore the same*, per spatium predict' sex Mensium, contra formam cujusdam Statuti apud Westm. in Com. Middlesex Anno Regni Domini Elizab. nuper Reginæ Angliæ primo pro uniformitate Communis Precationis editi & provisi, ac

Y y y

contra



contra formam Statuti Anno Regni dictæ nuper Regina Vicessimo tertio in Hujusmodi casu editi & provisi ac in Contempt' dicti Domini Regis nunc & contra Coronam & Dignitatem suas, &c.

Scholars.

XIX. *Lamberts Precedents* 3. pl. 7. An Indictment against a School-Master not licenced, nor resorting to the Church, and against his Maintainers, *West. symb.* 2 part. 128. 129. *sect.* 199. *Crompt.* 16. b. *supra.*

Juratores super Sacrament' suum presentant pro Domino Rege quod K. M. de L. in dicto Comitatu Scholæ Magister à secundo Die Septembr. Anno Regni Domini nostri Jacobi Dei Gratia, &c. Regis fidei Defensoris, &c. usque nunc in domum Mansionalem cujusdam E. A. de J. predict' in Comitatu predict' viduæ, ausus est & presumpsit erudire & docere Pueros dictæ E. A. ibidem cum idem K. M. durante dicto tempore non accessit nec resortavit ad Ecclesiam Parochialem de J. predict' in Comitatu predict' nec ad ullam aliam Capellam aut usualet locum Communium Precationum, sed se penitus per totum tempus predictum ab inde absentavit nullam habens legitimam aut rationabilem dictæ suæ absentia' excusationem, & cum idem K. M. non est per Episcopum Diocesis loci illius in quo sita est predicta Ecclesia Parochialis de J. predict' aut per ejus loci Ordinarium licentiatum aut allocutus ad erudiendum & docendum in magnum dicti Domini nostri Regis contemptum ac contra formam Statuti in Parlamento Dominae Elizab. nuper Reginae Angliæ tento apud Westm. in Com. Middlesex Anno Regni sui 23. in hujusmodi casu provisi & editi.

Et quod predict' E. A. voluntariè in domo sua predict' per totum tempus predict' custodivit & manutenuit pefat' K. M. modo & forma predict' erudientem & docentem sciens ipsum K. M. modo & forma predict' se absentasse in contempt' dicti Domini Regis ac contra formam Statuti predicti.

Pope.

XX. *Dyer* 203 pl. 72. An Indictment for Celebrating private Mass.

Essex ff. Juratores super Sacrament' Suum presentant por Domino Rege quod Johannes R. nuper de L. Clericus 8. die Aprilis, Anno Regni &c. apud B. in Com. E. voluntarie dixit usus fuit & celebravit unam privatam Missam contra formam & effectum cujusdam Statuti in Parliament' tent' apud Westm. Anno primo Reginae &c. edit' & provisi, & contra pacem Domini Regis nunc coronam et Dignitatem suas.

Et quod E. W. de B. predict' in Comitatu predict' Miles, F. et alij dicto 8. die Abr. apud B. predict' tempore Celebrationis Missæ predictæ fuerunt presentes, audientes Missam predictam, ac manutinent' & confortant' predict' J. R. ad Missam predict' dicend' et Celebrand' contra formam Statuti predicti ac contra pacem &c.

Indictment.

XXI. *Crompt.* 104 b. § 53. Its a good Indictment where its said, contra formam Statuti in Parliament' tent' apud Westm. Anno primo Elizab. &c. ut patet, *Dyer* 203. &c. *infra.*

Et Nota; That he did not say in the Information, *Apud Westm. in Com. Middlesex*, but in general, *apud Westm. &c.*

And this Indictment was upon 1 Eliz. 2. § 9. N. 2. 4. for now he shall forfeit a greater Sum by 23 Eliz. 1. § 4. N. 2.

Sessions.

XXII. *Crompt.* 125. Item, the general Sessions shall enquire of them that say or hear Mass, and who come not to the Church, against 23 Eliz. 1. § 4. N. 2.

Good-behaviour.

XXIII. *Crompt.* 144. He shall be bound to the Good-behaviour in B. R. who absents himself from the Church for a year against 23 Eliz. 1. § 5. N. 2. and shall so remain untill he will reform himself and come to Church, according to the intent of the Statute, 1 Eliz. 2. § 14. N. 1. &c.

XXIV.

XXIV. *Crompt. 151.* Two *Capias* an *Exigent*, and a *Capias Utlagatum* shall Issue against him that is Indicted upon 1 *Eliz. 2. § 4. N. 4.* for depraving the Sacrament, &c.

XXV. *Crompt. 155. Ab.* Nor he shall not be let to Bail or Mainprife, who disturbs Preachers *contra* to 1 *Mar. 1. Stat. 2 cap. 3. § 5. N. 2.*

2. Nor he shall not be left to Bail or Mainprife who offends against 1 *Eliz. 2. § 4. N. 1.*

XXVI. *Kilb. Precedents 94. 95.* For not coming to Church, a Warrant *Church.* to appear before a Justice.

To the Constables and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as I have received Information that *B. C.* of *D.* in the County aforesaid, &c. did not upon any of the &c. Sundays last past resort or repair to any Church, Chappel, or other usual place appointed for Common Prayer, and there hear Divine Service according to the form of the Statute in that behalf made; These are therefore in his Majesties Name to will and require you, that you, some or one of you do cause the said *B. C.* to come before me to Answer the Premises; hereof fail not at your peril. Given under my Hand and Seal the day of &c. 1 *Eliz. 2. § 14. N. 1. 3 Jac. 4. §. 27. N. 1.*

XXVII. *Kilb. Precedents 95.* A Warrant to levy the forfeiture for not coming to Church. *Forfeiture.*

To the Churchwardens of the Parish of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as *B. C.* of *D.* aforesaid &c. did not upon Sunday the second day of *May*, nor upon Sunday then next following, nor upon Sunday then next following, &c. resort or repair to any Church, Chappel, or other usual place appointed for Common Prayer, and there hear Divine Service, according to the form of the Statute in that behalf made, and being called before me did not make sufficient excuse of his said Defaults to my satisfaction; These are therefore in his Majesties Name to will and require you, that you, or one of you, do levy by Distress and Sale of the Goods of the said *B. C.* three Shillings for his defaults aforesaid, to be employed to and for the use of the Poor of the said Parish, rendring to him the Overplus of Money raised of the Goods aforesaid, so to be sold, and in default of such Distress that you do certifie me thereof with all convenient speed, to the end I may further Proceed therein as to Justice doth appertain; hereof fail not at your perils. Given under my Hand and Seal the Day of, &c. 1 *Eliz. 2. § 14. N. 1. 3 Jac. 4. §. 27. N. 1.*

XXVIII. *Kilb. Precedents 96.* A *Mittimus* to the Goal of one not repairing to Church for want of a Distress. *Imprisonment.*

To the Constables and Borsholders of the Hundred of *A.* in the said County and to every of them, and to the Keeper of his Majesties Goal at *B.* in the County aforesaid.

*Kent ff.* Whereas by Warrant under my Hand and Seal, the Churchwardens of the Parish of *A.* in the said County, were lately by me Comanded to levy three Shillings by Distress and Sale of the Goods of *B. C.*

of the Parish of *A.* in the said County, to be employed to and for the use of the Poor of that Parish, for that he did not upon Sunday the second day of *May* nor upon Sunday then next following, nor upon Sunday then next following resort or repair to any Church, Chappel, or other usual place appointed for Common Prayer, and there hear Divine Service, according to the form of the Statute in that behalf made, and the Church-Wardens aforesaid have returned to me, that the said *B. C.* hath no Goods nor Chattels sufficient for the levying of the Moneys aforesaid: These are therefore in his Majesties Name to will and require you, that you, some, or one of you, do take the aforesaid *B. C.* and him safely convey to his Majesties Goal aforesaid, and him there deliver to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep untill payment shall be made of the Monies aforesaid; hereof fail not at your peril. Given under my Hand and Seal the Day of *Ec.* 1 *Eliz.* 2. § *N.* & 3 *Jac.*

Encumbent.

4.

XXIX. *Kilb. Precedents* 98. A Warrant against Encumbent for not Officiating, on 14 *Car.* 2. 4. § 7. *N.* 1.

To the Church-Wardens and Overseers of the Poor of the Parish of  
- *A.* in the said County.

*Kent ff.* Forasmuch as it hath been duly proved before us (*viz.* two Justices, *Ec.*) that *A. B.* the proper Incumbent of the Parsonage (Vicarage, or Benefice) of *Ec.* in the County aforesaid, doth reside on his Living and keep a Curate, and hath not himself in Person within one Month now past openly and publickly read the Common Prayers in and by the Book prescribed by the Statute made in the fourteenth year of his now Majesties Reign, Entituled, *An Act for the Uniformity of Publick Prayers and Administration of the Sacraments, and other Rights and Ceremonies, and for the establishing the form of making and Ordaining and Consecrating Bishops, Priests, and Deacons in the Church of England;* in the Parish Church of *C.* to the said Parishioners in such order, manner, and form as in and by the said Book is appointed, whereby he hath by vertue of the Statute aforesaid forfeited five pounds to the use of the Poor of the Parish aforesaid; These are therefore in his Majesties Name to will and require you, and every of you, that you, or some of you, do demand of the said *A. B.* the aforesaid five pounds to the use of the Poor aforesaid, and in default of payment thereof within ten days after such demand, that you, or some of you do levy the same by Distress and Sale of the Goods and Chattels of the said *A. B.* rendring to him the Surpluse, hereof fail not at your perils. Given under our Hands and Seals the Day of *Ec.*

2. The like Warrant, *mutatis mutandis*, if he do not if there be occasion, Administer each of the Sacraments and other Rites of the Church, once in every Month.

Encumbent.

XXX. *Kilb. Precedents* 99. A *Mittimus* for Preaching whilst disabled on 14 *Car.* 2. 4. § 21. *N.* 1.

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the keeper of his Majesties Goal for the said County at *M.* in the County aforesaid.

*Kent ff.* Forasmuch as we (*viz.* two Justices) have received a Certificate from the Ordinary within whose Jurisdiction the Parish of *T.* in the said



said County is situate, That *A. B.* being by virtue of the Statute in that behalf made, disabled to Preach any Sermon, did during the time that he did continue and remain so disabled, Preach a Sermon in the Parish Church of *T.* aforesaid against the form of the Statute; These are therefore in his Majesty's Name to will and require you the said Constable and Borsholders, and every of you, that you, some, or one of you, do take the said *A. B.* and him convey to the Goal aforesaid, and there deliver him to the said Keeper thereof, together with this Precept: Requiring also you the said Keeper to receive him into the Goal aforesaid, and him there safely to keep by the space of three Months without Bail or Mainprise; hereof fail not at your perils. Given under our Hands, &c.

XXXI. *Kilb. Precedents* 52. A Record of a Conventicle to be written in Parchment, on 22 *Car. 2.* i. by two Justices. Church.

*Kent ss. Memorand'*, That upon the 10th day of *June* in the 31. year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God, of *England Scotland, France, and Ireland*, King, Defender of the Faith, &c. It was according to the form of an Act of Parliament in that behalf lately made, Entituled, *An Act to prevent and suppress seditious Conventicles*, duly proved to us, (*viz.* two Justices, &c.) that *A. B.* being of the Age of sixteen years and upwards and a Subject of this Realm, was upon the first day of *June* now last past, in the Parish of, &c. present at *T.* in the said County, under colour (or pretence) of Exercise of Religion in other manner than is allowed by the Liturgy, (or practice) of the Church of *England*, where five Persons are present more than those of the same Household, contrary to the Act aforesaid, of all which we have the Day and year above written made this Record, under our Hands and Seals.

2. Or better in Latin thus, *Kilb. Precedents* 53, 54.

*Kent ss. Memorand'* quod *J. S. de S.* in Com. predict' Yeoman, *E. W.* Church. de *W.* in Com. predict' Generosus & *Maria* uxor *G. J.* de parochia de *E.* in Com. predict' Husbandman, *Eliz. W.* de *E.* predict' in Com. predict' vidua *J. B.* de, &c. Cum multis alijs in toto se attingent' ad numerum duodecim personarum, & quilibet eorum die Solis 26. die *Junij*, Anno Regni Domini Regis nunc 22. die ultra etatem 16. Annorum, & subditi dicti Domini Regis ad tunc existent' predict' 26. die *Junij*, Anno 22. supradicto in simul assemblaverunt & presentes fuerunt & quilibet eorum presens fuit in Domo Mansionali ipsius *A. P.* viduæ, in predict' Parochia de *E.* in Com. predict' ad Conventiculum sub colore Exercitationis Anglice *Exercise*, Religionis in alio modo quam secundum Liturgiam & practicationem (Anglice *practise*) Ecclesiæ *Angliæ* Ad tunc & ibidem tent' contra formam Statuti prevenire & suppressere seditiosa Conventicula nuper Editi & proviso, *infra*,

Memorand' etiam quod tempore & loco supradict' predict' *J. S.* assumpsit super se docere in Conventiculo predict' & in eodem ad tunc & ibidem docuit contra formam Statuti predicti, quodque predict' *A. B.* vidua tempore supradicto scienter, Anglice *Wittingly*, & voluntariè permisit Conventiculum predictum fore tenend' in Domo Mansionali sua predict' etiam contra formam ejusdem Statuti Record' quarum quidem separalium offensarum Ego *W. L. Miles*, unus Justiciariorum dicti Domini Regis ad pacem suam in Com. suo predict' conservand' assignat' cui secundum formam & effectum Statuti predicti, separales offensas predict' sicut presertur fore Commissa sufficienter aparuit per presentes, sub Manu & sigillo meo 11. die *Julij* Anno 22. supradicto apud *N.* predict' in Com. predict' feci: Predictiq; *J. S. E. W.*

*W.* predict' *Maria* uxor predict' *G. J. Eliz. W. J. B. Junior, J. B. Senior, J. F. R. P. A. P.* Vidua, *A. B. & D. P.* Spinster de separalibus offensis suis in Record' predict' superius mentionat' per Recordum illud virtute Statuti predicti plene & perfecte convicti sunt, & quilibet eorum inde separaliter plene & perfecte convictus est, & ego prefat' Justiciar' superinde virtute Statuti predicti die Anno & loco ultimo mentionat' finem *V. S.* super quemlibet offensorum Anglice, *Offenders*, predict' sic ut prefertur ad Conventiculum predict' present' Existens pro separali offensa predict' imposui.

Predictaque *A. P.* Vidua pro offensa sua predicta eo quod ipsa ut prefertur permittit Conventiculum predict' fore tenend' in Domo Mansionali sua predict' forisfecit Summam 20 *l.* Virtute Statuti predict' predictusque *J. S.* pro offensa sua predicta eo quod ipse, ut prefertur, assumpsit super se docere in conventiculo predicto, & in eodem ut predictum est, docuit, forisfecit summam 20 *l.* Virtute Statuti predicti.

*Forfeiture.*

XXXII. *Kilb. Precedents* 55. 56. A Warrant to levy the penalty of 22 *Car. 2. 1 § 3. N. 1.* upon the Teacher in a Conventicle.

To the Constables, Borsholders, Headboroughs, and Tythingmen of the Hundred of C. in the said County, and to the Churchwardens and Overseers of the Poor of the Parish of C. in the County aforesaid, and all other Officers within the said County whom the Execution hereof may concern.

*Kent ff.* Forasmuch as I did this present day receive a Certificate to me directed under the Hand and Seal of *W. E. of S.* in the County of *S.* Esq; one of his Majesties Justices, Assigned for keeping his peace in the said County of *S.* that *G. H.* of C. aforesaid, Taylor, was upon the first day of this Instant *August* by him Convicted by proof to him made, according to an Act of Parliament Entituled, *An Act to prevent and suppress Seditious Conventicles*, lately made and provided, of being present in the Barn of *R. W. of W.* in the said County of *S.* Husbandman, and there did take upon him to Preach or teach at a Conventicle, the five and twentieth day of *July* last past, under pretence of Exercise of Religion in other manner then according to the Liturgy and Practice of the Church of *England*, and contrary to the form of the Act aforesaid: And that therefore being thereof Convicted as aforesaid, the said *G. H.* did forfeit for the said first Offence 20 *l.* and that he the said Justice had by Virtue of the said Act imposed on him so convict as aforesaid for his said Offence the said Sum of 20 *l.* as being thought by him able to pay the same, as by the said Certificate appeareth, 22 *Car. 2. 1. § 13. N.* These are therefore by Virtue of the aforesaid Act in his Majesties Name, to command you, that you, some, or one of you, do forthwith levy the said 20 *l.* by Distress and Sale of the Goods and Chattels of the said *G. H.* and that when you, or any of you, have so levied the said 20 *l.* or any part thereof, that then you, they, or he that so levied the same, do forthwith deliver the Moneys so levied to the aforesaid *W. E.* to be by him distributed according to the Act aforesaid; hereof neither you, nor any of you, are to fail at your perils. Given under my Hand and Seal at *A.* in the said County of *K.* 10 *Apr. Anno Regni &c. 31.*

*7005.*

XXXIII. *Kilb. Precedents* 57. 58. A Warrant for Witnesses to prove the Conventicle.

To

To the Constable, Borsholders, Headboroughs, and Tythingmen of the Hundred of S. in the said County, and every of them.

*Kent. ss.* Whereas we have this day received Information that several persons upon the 19. day of *June* last past were present in the Parish of S. in the said County, at a Conventicle then and there held, under Colour of Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*, contrary to the form of an Act of Parliament lately made and provided to prevent and suppress Seditious Conventicles: And whereas we are also Informed, that the several persons hereunder Named can certifie the Particulars and truth of the Premises, These are therefore in his Majesties Name to command you, and every of you, that you do give notice to the several Persons that they, and every of them, are by us Commanded to appear before us at the House of R. K. Esq; in H. in the County aforesaid, on Wednesday the first day of this Instant *August* at eight of the Clock in the Forenoon of the same day, then and there to testify their several Knowledges touching the Premises, whereof neither they, nor any of them, are to fail at their perils: And you are further hereby commanded to appear at the time and place aforesaid, to make appear unto us what you have done in the Execution hereof; hereof also you are not to fail at your peril Given under our Hands and Seals at H. in the said County the Day of *Sc.*

A. B. of *Sc.* }  
C. D. of *Sc.* } *Sc.* as many as be.

XXXIV. *Kilb. Precedents* 58.59. A Certificate made by a Justice where the Offenders lie in a Corporation.

*Kent ss.* S. B. & R. K. Esquires, Two of his Majesties Justices assigned to keep the Peace in his County aforesaid, to the Chief Magistrate of the Corporation of T. in the said County, Greeting; Whereas W. S. of T. aforesaid, in the County aforesaid, Yeoman, was this present day before us Convicted according to an Act of Parliament to prevent and suppress Seditious Conventicles lately made and provided, of being present in the Dwelling house of J. B. in the Parish of C. in the County aforesaid, upon the sixth day of this Instant *July*, at a Conventicle then and there held, under Colour of Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*, contrary to the form of the Act aforesaid: And we have by Vertue of the said Act imposed upon him a Fine of Five shillings for that his Offence, and whereas also the said J. B. was this present day before us also, according to the said Act, Convicted of his wittingly and willingly suffering the Conventicle aforesaid to be held in his aforesaid Dwelling house, contrary to the form of the Act aforesaid, for which his Offence he hath forfeited the Sum of 20 *l.* and for that we do in our Judgments think the said J. B. poor and unable to pay the said Sum of 20 *l.* by him as aforesaid forfeited, we have therefore by our Discretions adjudged one hundred Shillings thereof to be levied of the Goods and Chattels of the aforesaid W. S. who as aforesaid was present at the same Conventicle: And forasmuch as the said W. S. is an Inhabitant in the Corporation aforesaid, we do therefore hereby Certifie you of the Premises, to the end you may proceed thereupon as by the said Act



is required, Given under our Hands and Seals at C. in the said County 20 Novemb. Anno 1679, Sc. Regni Sc. 31.

Church.

XXXV. *Kilb. Precedents* 59. 60. A Record of the Conviction of certain Persons taken at a Conventicle.

*Kent ff. Memorand' quod S. B. de Parochia de C. Sc. (pro ut Sc. § 31. N. 2.)* & quidam alius homo ignotus in toto se attingnut ad numerum octo personarum & quilibet eorum 3 die, Sc. Anno Sc. ultra etatem, Sc. & subdit' Sc. quorum que ad numerum quinque personarum non ad tunc fuerunt defamilia *Roberti Kite* de predicta Parochia Sc. in Com. predict' Mercer, in predict' Parochia de S. eodem 3 Die, Sc. Anno Sc. Insimul assembleverunt & presentes fuerunt, & quilibet eorum presens fuit in Domo Mansionali ipsius *Roberti Kite* in predicta Parochia de S. in Com. predict' ad assemblationem sub colore, Sc. pro ut Sc. & ad tunc & adhuc in pleno robore existent'.

Memorand' etiam quod predict' homo ignotus ad tunc & ibidem assumpsit super se docere in assemblat' predict' & ad tunc & ibidem docuit etiam contra formam ejusdem Statuti.

Memorand' etiam quod predict' *R. Kite* tempore supradicto scienter, Angl. *wittingly*, & voluntarie permisit assemblat' predict' fore tenend' in Domo Mansionali sua predict' etiam contra formam Statuti predict'

Record' quarum quidem separalium offensarum nos *J. H. Miles, W.C.S. B. & R. K. Armigeri*, Justiciarij dicti Domini Regis ad pacem suam in Com. suo predict' causa assemblat', quibus secundum formam & effectum Statutorum dredictorum separales offensas predict' sic ut prefertur fore Commissa sufficienter apparuit per presentes sub Manibus & Sigillis nostris 17 Die Apr. Anno Sc. 27. supradicto apud C. predict' in Com. predict' fecimus. predictique *S. B. & predict' uxore ejus H. S. Sc.*

*R. K. & predict' Hom'* ignot' de separalibus offensis suis in Record' predict' superius specificat' per Record' illud Virtute Statuti predicti plene & perfecte convicti sunt, & quilibet eorum inde separaliter plene & perfecte Convictus est.

Et nos prefati Justiciarij superinde Virtute Statuti predict' die Anno & Loco ultimo mentionat' super quemlibet offensorum *Anglice, Offenders*, predict' sic ut prefertur ad assemblat' predict' present' Existente' pro separali offensa sua predict' finem § s. Imposuimus.

Predictusque homo Ignotus pro offensa sua predict' eo quod ipse ut prefertur assumpsit super se docere in assemblat' predict' & ad tunc & ibidem docuit, forisfecit Summam 20. libr. Virtute Statut' predict'.

Predict' *K. Kite* pro offensa sua predict' eo quod ipse ut prefertur permisit assemblationem predict' fore tenend' in Domo Mansionali sua predict' forisfecit Summam 20 libr. Virtute Statuti illius.

Et quia in Judicijs nostris putamus predict' *H. S.* fore pauperem & inhabilem solvere predict' finem § s. super ipsum pro offensa sua predict' eo quod ipse ut prefertur presens fuit ad assemblat' predict' ut prefertur impositum, & eo quod predict' fines § s. super predict' Hom' ignot' ego quod ipse ut prefertur presens fuit ad assemblat' predict' ut prefertur imposuit' de Bonis et Catallis suis non potest, levare ideo ex discretionibus nostris predict' duos separales fines § s. ultimo mentionat' de Bonis et Catallis predict' *C. B.* qui prefertur ad assemblat' predict' presens fuit ut nos prefat' Justiciarij apud C. predict' in Com. predict' eodem 17 die Apr. Anno 27. supradict' levare adjudicavimus.

Et quia predict' homo qui ut prefertur assumpsit super se docere in assemblat' predict' et ad tunc et ibidem docuit, est extraneus, Angl', a *Stranger*, et nomen et habitatio sua incogn' existit, ideo ex discretionibus nostris predict'

dict' summam 20 libr. per ipsum pro offensa predict' ut prefertur forisfact' nos prefati Justiciarij die anno et loco ultimo mentionat' de Bonis et Catalis separalium personarum hic Postea Mentionat' levare adjudicavimus modo et forma sequent' viz, de Bonis et Catallis predict' J. B. qui, &c. pro ut, &c. 9 l. et 10 s. inde, et de Bonis et Catallis C. B. qui etiam &c. pro ut &c. 40 s. inde, et de Bonis &c. predict' R. C. qui etiam &c. pro ut &c. C. S. inde resid' &c. ut in Recordo.

In quarum omnium rerum testimonium nos prefat' Justiciarij die Anno et loco ultimo mentionat' Manus et Sigilla nostra presentibus aposuimus.

XXXVI. *Kilb. Precedents* 62. 63. A Warrant to levy the Mony upon the Offenders 22 *Car.* 2. 1. *Forfeiture.*

To the Constable and Borshoulder's Headboroughs and Tythingmen of the Hundred of *M.* and *D.* in the said County, and to every of them, and to the Church-wardens and Overseers of the Poor of the Parish of *S.* in the County aforesaid, and to every of them, and to all and every other Officers whom the Execution hereof may concern.

*Kent ff.* Forasmuch as *R. L.* of the said Parish of *S. Mercer*, was this present day, according to an Act of Parliament to prevent and suppress Seditious Conventicles lately made and provided, by us Convicted of his wittingly and willingly suffering an Assembly to be holden in his Dwelling house in the said Parish of *S.* upon the 30. day of *March* now last past, under colour of Exercise of Religion in other manner than according to the Liturgy and Practice of the Church of *England*, contrary to the form of the Act aforesaid, by which he hath according to the said Act, forfeited the Sum of 20 *l.* for his said Offence; These are therefore in his Majesties Name to command you, and every of you, forthwith to levy by Distress and Sale of the Goods and Chattels of the said *R. K.* the aforesaid, Sum of 20 *l.* and you, and every of you, are in his Majesties Name hereby further commanded, that when you or any of you have, as aforesaid, levied the Sum aforesaid, that then they, or he, having so levied the same, do forthwith deliver the same to us or one of us, to be distributed according to the said Act; hereof neither you, nor any of you are to fail at your perils. Given under our Hands and Seals at *C. &c.*

XXXVII. *Kilb. Precedents* 63. 64. A Condition of a Recognizance in case of an Appeal made touching Conventicles, on 22 *Car.* 2. 1. § 7. *N. 1.* *Religion.*

The Condition of this Recognizance is such, That whereas *R. G.* of *R.* in the within named County of *Kent*, Gentleman, was lately Convicted by the within named Justices of taking upon him to teach in an Assembly lately held in the Parish Church of *S.* within written, under pretence of Exercise of Religion in other manner than according to the Liturgy and Practice of the Church of *England*, against the form of the Statute lately made to prevent and suppress Seditious Conventicles, and had therefore according to the Statute aforesaid forfeited the Sum of 20 *l.* And for that in the Indictments of the said Justices they did think the said *R. G.* unable to pay the said Sum 20 *l.* they did therefore by their Discretions adjudge *S. l.* thereof to be levied by Distress and Sale of the Goods and Chattels of the within Bounden *W. W.* who was also according to the said Statute Convicted of being present at the said Assembly, contrary to the Statute aforesaid: And whereas the said *W. W.* was also by the said Justices Convicted, for that he at the time of the said Assembly was one of the Church-wardens of the said Parish, and knowing the said Assembly to be

Z z z z

holden

holden within the same, did not give Information thereof to any Justices of Peace, nor endeavour the Conviction of the Parties which were at the said Assembly, nor of any of them, according to the Duty of his said Office, but wittingly and willingly did omit the performance of his Office aforesaid in the Execution of the said Statute against the form of the same, by which he forfeited the Sum of 5 *l*. And the said two several Sums of five pounds have by Warrant of the said Justices been levied of the Goods and Chattels of the said *W. W.* and he hath the day and year within written appealed from the Justices aforesaid to the Judgment of the Justices of Peace of the said County in their next Quarter-Sessions; if therefore the said *W. W.* do prosecute the said Appeal with effect, that then this Recognizance shall be void or else it shall stand in full force.

And forasmuch also as the aforesaid Wife of *S. B.* is a Feme Covert cohabiting with the said *S. B.* her Husband, these are therefore *Ec.* (*pro ut supra Ec.*) forthwith to levy the aforesaid 5 *s.* so imposed upon her as aforesaid by distress *Ec.* (*pro ut Ec.*)

And forasmuch as a Man unknown did then and there take upon him to Preach or teach *Ec.* (*pro ut the record supra*) You may levy 20 *l.* upon any the Offenders, as in your Judgments shall seem fit.

*Forfeiture.*

XXXVIII. *Kilb. Precedents* 65. 66. 67. 68. A Warrant to levy the Money upon the Offenders on 22 *Car. 2. 1.*

To the Constable *Ec. ut supra.*

*Kent ff.* Forasmuch as *W. W.* of the aforesaid Parish of *S. Gent.* one of the Church-Wardens of the said Parish: *J. H.* of the parish aforesaid Yeoman, the other Church-Warden of the said Parish, *T. N.* of the Parish aforesaid, Chandler, one of the Overseers of the Poor of the said Parish, *J. W.* the Elder of the Parish aforesaid, Yeoman, *G. P. Ec. W. H.* of the Parish aforesaid Headborough of the North-borough in the said Parish, *Ec.* were every of them this present day by us Convicted (according to an Act of Parliament to prevent and suppress Seditious Conventicles lately made and provided) of being present in the Parish Church of *S.* aforesaid in the County aforesaid, upon Sunday the 19. day of *June* last past, between the hours of nine and twelve before Noon the same day, at an Assembly then and there held under pretence of Exercise of Religion in other manner than according to the Liturgy and Practice of the Church of *England*, contrary to the form of the Act aforesaid, and we have by vertue of the said Act imposed upon every of the said Offenders so Convicted as aforesaid, a Fine of 5 *s.* for that his respective Offence;

These are therefore in his Majesties Name to Command you, and every of you, forthwith to levy upon every of the said Offenders respectively by Distress and Sale of his respective Goods and Chattels the aforesaid Fine of 5 *s.*

And Forasmuch as *R. G.* of *R.* in the said County, *Gent.* did then and there take upon him to teach in the Assembly aforesaid, and did then and there teach against the form of the Act aforesaid, and was this present day by us according to the said Act Convicted of his said Offence, and he hath for the same forfeited the Sum Twenty pounds.

And for that in our Judgments we do think the said *R. G.* is unable to pay the said Sum so forfeited as aforesaid, we have therefore by our Discretions adjudged the same to be levied of the Goods and Chattels of the aforesaid *W. W. J. H. D. P. & J. C.* who as aforesaid were all of them present at the Assembly, and are thereof as aforesaid Convicted: And the same Sum of 20 *l.* to be levied in manner following; that is to say, one *C. S.* thereof



of the Goods and Chattels of the said *J. H.* other one *C. s.* thereof of the Goods and Chattels of the said *D. P.* and the other one *C. s.* thereof residue of the Goods and Chattels of the said *J. C.*

These are therefore in his Majesties Name to command you, and every of you, forthwith to levy one *C. s.* parcel of the said Sum of 20 *l.* by distress and Sale of the Goods and Chattels of the said *W. W.* and to levy other one *C. s.* other parcel of the said Sum of 20 *l.* by distress and Sale of the Goods and Chattels of the said *J. H.* and to levy other one *C. s.* other parcel of the said Sum of 20 *l.* by distress and Sale of the Goods and Chattels of the said *D. P.* and to levy the other one *C. s.* residue of the said Sum of 20 *l.* by distress and Sale of the Goods and Chattels of the said *J. C.*

And forasmuch as *T. H.* of the aforesaid Parish of *S.* Labourer, was this present day by us Convicted according to the Act aforesaid, of being present at the Assembly aforesaid, contrary to the said Act, and we have also by Vertue of the Act aforesaid imposed upon him a Fine of 5 *s.* for that his Offence; and for that we do in our Judgments think the said *T. H.* poor and unable to pay the said Sum of 5 *s.* upon him, for his said Offence, imposed as aforesaid, we have therefore by our Discretions adjudged the same to be levied of the Goods and Chattels of the said *J. W.* who as aforesaid is Convicted of the like Offence at the same Assembly; These are therefore in his Majesties Name to command you, and every of you, forthwith to levy the said fine of five 5 *s.* by distress and Sale of the Goods and Chattels of the said *J. W.*

And for as much as *T. H.* of *B.* in the County aforesaid, Master, was this present day by us convicted according to the Act aforesaid of being present at the Assembly aforesaid, contrary to the said Act, and for that the said *T. H.* heretofore committed the like Offence and according to the form of the Act aforesaid was thereof convicted, therefore he for his said Offence of being present at the Assembly herein before mentioned hath incurred the penalty of 10 *s.* These are therefore in his Majesties Name to command you, and every of you, forthwith to levy the said 10 *s.* by distress and Sale of the Goods and Chattels of the said *T. H.*

And forasmuch as *Mary* the Wife of the said *J. W.* and *E.* the Wife of the said *J. C.* were both of them this present day by us Convicted, according to the Act aforesaid, of being present at the Assembly aforesaid contrary to the said Act, and we have by vertue of the Act aforesaid imposed upon the said *Mary* a Fine of 5 *s.* for that her said respective Offence, and we have also by vertue of the said Act imposed upon the said *E.* a Fine of 5 *s.* for her said respective Offence, and for that the said *Mary* is a *Feme Covert*, cohabiting with the said *J. W.* her Husband, and the said *E.* is also a *Feme Covert*, cohabiting with the said *J. C.* her Husband, These are therefore in his Majesties Name to command you, and every of you, forthwith to levy the aforesaid fine of 5 *s.* so imposed upon the said *Mary* as aforesaid by distress and Sale of the Goods and Chattels of the said *J. W.* and to levy the aforesaid Fine of 5 *s.* so imposed upon the said *E.* as aforesaid, by distress and Sale of the Goods and Chattels of the said *J. C.*

And Forasmuch as the aforesaid *W. W.* at the time of the said Assembly, was and still is one of the Church-wardens of the Parish of *S.* aforesaid, and the aforesaid *J. H.* then also was and still is the other Churchwarden of the aforesaid Parish, and the aforesaid *T. N.* then was and still is one of the Overseers of the Poor of the said Parish, and the said *W. H.* then was and still is Headborough of the Northborough in the Parish aforesaid, and every of them was this present day by us, according to the said Act Convicted for

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that

that he knowing the Assembly aforesaid, in form aforesaid, to be holden within his aforesaid Parish, did not give Information thereof to any Justice of Peace, nor Endeavour the Conviction of the Parties aforesaid, or any of them, but wittingly and willingly did omit the Performance of his duty in Execution of the Act aforesaid, against the form of the said Act, for which offence every of them respectively hath forfeited the Sum of 5 *l.* These are therefore in his Majesties Name to Command you, and every of you, to levy the Sum of 5 *l.* by the said *W. W.* so forfeited, as is last before mentioned, by distress and Sale of his Goods and Chattels, and to levy, &c. (of the rest in like manuer &c.) and you, and every of you, are hereby in his Majesties name further commanded, that when you, or any of you have, as aforesaid, levied the several Fines and forfeitures aforesaid, or any of them, that then they, or he so having levied the same, do forthwith deliver the same to us, or one of us, to be distributed according to the said Act; hereof neither you, nor any of you, are to fail at your peril. Given, &c.

Record.

XXXIX. *Kilb. Precedents* 70. 71. A Memorial of a Record of a Conventicle.

*Kent ss.* A Memorial of the Account of the Moneys mentioned in the Record Certified at the Quarter-Sessions of the Peace holden for the said County at *M.* in the County aforesaid, on Tuesday next after the Close of Easter 1679. by Sir *J. H.* Knight *W. C. S. B.* and *R. K.* Esquires, four of his Majesties Justice of the Peace, of the said County, forfeited as in the said Record is mentioned, in an Assembly holden in the Dwelling-house of *R. K.* in the Parish of *S.* in the County aforesaid, under colour of Exercise of Religion in other manner than according to the Liturgy of the Church of England, upon the 30. day of March 1679.

His Majesties third part of the said Forfeitures by the said Justices tendered into the Court of the General Sessions of the Peace holden for the said County at *M.* aforesaid on Tuesday next after the close of Easter 1679, and by Appointment of the same by the said Justices paid to Sir *J. C.* Knight and Baronet, Sheriff of the said County, to his Majesties use, *viz.*

For *R. C.* xx *d.* and xx *d.* and xxxix *s.* iv *d.* 2 *l.* 2 *s.* 8 *d.*  
All which was levied and paid to the said Justices since the last general Sessions of the Peace holden for the said County at *M.* aforesaid, *viz. summa patet.*

And as concerning the Moneys in the said Record mentioned to be payable by the several persons here under named, his Majesties third part whereof cometh to as followeth, *viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>R. B.</i> xx <i>d.</i> and xx <i>d.</i> and iii <i>l.</i> iii <i>s.</i> iv <i>d.</i> in all	3	6	8
<i>C. B.</i> xx <i>d.</i> xx <i>d.</i> xx <i>d.</i> and 13 <i>s.</i> 4 <i>d.</i> in all	0	18	4
<i>J. B.</i> xx <i>d.</i> and xxiii <i>s.</i> iv <i>d.</i> in all	1	5	0
<i>R. K.</i>	6	13	9

in all 12 3 9

The said Justices do say, that they did upon the seventeenth day of April 1678 being the day of the Convictions of the Persons aforesaid for their Offences in the said Record mentioned, make out their Warrants for levying thereof, but they have not as yet received the same, or any part thereof, nor is the same, or any part thereof as yet levied, that they know of, though they have diligently inquired after the same

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XL. *Kilb. Precedents* 72. 73. A *Mittimus* thereupon, upon the first *Imprisonment*.  
Offence by 22 *Car. 2. 1. § 2. N. 2.*

To the Constable and Borsholders of the Hundred of *A.* and to every of them, and to the Keeper of his Majesties Goal for the said County at *B.* in the County aforesaid.

*Kent ff.* Forasmuch as *C. B.* was this present day according to the form of an Act of Parliament lately made (intituled an *Act to prevent and suppress Seditious Conventicles*) Convicted by Record by us (*viz.* two Justices) made of being present in the Parish of *C.* in the said County at an Assembly, Conventicle, or Meeting, under Colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy or Practice of the Church of *England*, contrary to the Act aforesaid; and whereas we did upon the said Conviction Fine the said *C. D.* (*viz.* not exceeding 5 *l.*) for his said Offence, and he did not pay down the said Fine unto us, These are therefore in his Majesties Name to charge and command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *C. D.* and him safely Convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep without Bail or Mainprise, by the space of (*viz.* not exceeding three Months) next after such delivery of him unto you; hereof fail not at your perils. Given under our hands &c.

2. The like *Mittimus* (*mutatis mutandis*) to the House of Correction, if the Justices think fit to send the Offender thither, which they must not do if the Offender (or her Husband, if a *Feme Covert*) have 5 *l.* per Annum Freehold or Copyhold, or 50 *l.* in Goods.

XLI. *Kilb. Precedents* 73. 74. A *Mittimus* upon the second Offence, 22 *Car. 2. 1.* *Imprisonment.*

To the Constable, &c.

*Kent ff.* Forasmuch as *C. D.* was this present day according to the form of an Act of Parliament lately made intituled *An Act to prevent and suppress Seditious Conventicles*) Convicted by Record by us made, of being present in the Parish of *T.* in the said County, at an Assembly (Conventicle, or Meeting) under colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy (or practice of the Church of *England*, contrary to the Act aforesaid; and whereas we did upon the said conviction Fine the said *C. D.* (*viz.* not Exceeding 10 *l.*) for his said Offence, and he did not pay the said Fine unto us: And forasmuch as the said *C. D.* hath been once before that time convicted of the like Offence, contrary to the Act aforesaid, These are therefore in his Majesties Name to charge and command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *C. D.* and him safely convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep, without Bail or Mainprise, by the space of (*viz.* not Exceeding six Months) next after such delivery of him unto you; hereof fail not &c

2. The



2. The like *Mittimus* (*Mutatis Mutandis*) to the House of Correction &c.

*Imprisonment.*

XLII. *Kilb. Precedents* 74. 75. A *Mittimus* upon the third Conviction.

To the Constable, &c.

*Kent ff.* Forasmuch as *C. D.* was this present day according to the form of an Act of Parliament lately made, intituled, (An Act to prevent and suppress Seditious Conventicles) Convicted by Record by us made, of being present at the Parish of *T.* in the said County at an Assembly, Conventicle or Meeting, under Colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy or practice of the Church of *England*, contrary to the Act aforesaid; and Forasmuch as the said *C. D.* hath been twice before that time Convicted of the like Offence, contrary to the said Act, These are therefore in his Majesties Name to charge and command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said *C. D.* and him safely convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep without Bail or Mainprise, untill the next General Quarter-Sessions for the West-division of this County, the next Assises, Goal-delivery, Great-Sessions or sitting of *Oyer and Terminer* in the County aforesaid, which shall first happen, and that you then and there have him to be further proceeded against as by the said Act is directed; hereof fail not at your perils. Given under our Hands and Seals the day of, &c.

2. The like *Mittimus* (*mutatis mutandis*) to the House of Correction, if the Justices think fit to send the Offender thither, which they must not do if they be satisfied that the Offender (or her Husband, if a *Feme Covert*) have 5 *l. per Annum* Freehold or Copyhold, or be worth 50 *l.* in Goods.

XLIII. *Kilb. Precedents* 76. A Certificat to the Militia &c. for Aid on 22 *Car. 2.* 4. § 9. *N. 3.* & 16 *Car. 2.* 4. § 10. *N. 1.*

To the Lieutenant, any Deputy Lieutenant, or any Commissioned Officer of the Militia, or any other his Majesties Forces, the Sheriffs, Justices, or other Magistrates and Ministers of Justice, jointly or severally.

*Kent ff.* These are to Certifie you, that I *A. B.* one of his Majesties Justices of the Peace, &c. have received Information of an unlawful Meeting or Conventicle, held or to be held, under Colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy or Practice of the Church of *England*, contrary to an Act of Parliament lately made, intituled, *An Act to prevent and suppress Seditious Conventicles*, at *T.* in the Parish of *C.* in the County aforesaid, and that I with such assistance as I can get together, am not able to suppress, dissolve, dissipate or prevent the same, all which I do Certifie unto you, to the end that you may repair unto the said place aforesaid, and do therein as by the said Act is required and enjoined. Given under my Hand and Seal the day of, &c.

XLIV.

XLIV. *Kilb. Precedents* 77. A Record of suffering a Conventicle fit to be in Parchment, and *Quere* if not in *Latine*, 22 *Car.* 2. 1. § 4. N. 1.

*Kent* ff. *Memorand*, that upon the second day of *June* in the 31. year of the Reign of our Sovereign Lord *Charles* the second, by the Grace of God of *England*, *Scotland*, *France*, and *Ireland* King, Defender of the Faith, &c. It was according to the form of an Act of Parliament in that behalf lately made, Intituled, *An Act to prevent and suppress Seditious Conventicles*, duly proved to us, that R. T. of &c. did wittingly and willingly suffer an Assembly, (Conventicle, or Meeting,) under Colour or pretence of the Exercise of Religion in other manner than is allowed by the Liturgy or Practice of the Church of *England*, to be held in his house (Out-house, Barn or Room, Yard, or Backside, Woods, or Grounds) in the Parish of T. in the said County on, &c. day now last past, contrary to the Act aforesaid, of all which we have the day and year first above written made this Record under our Hands and Seals.

XLV. *Kilb. Precedents* 78. 79. A *Mittimus* thereupon upon the first Conviction. *Imprisonment.*

To the Constable and Borsoulders of the Hundred of A. and to every of them, and to the Keeper of his Majesties Goal for the said County at C. in the County aforesaid,

*Kent* ff. Forasmuch as D. E. was this present day according to the form of an Act of Parliament lately made, intituled, *An Act to prevent and suppress Seditious Conventicles*, Convicted by Record by us made (viz. two Justices &c.) of wittingly and willingly suffering an Assembly, (Conventicle or Meeting,) under Colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy or practice of the Church of *England*. to be held in his House, (Out-House, Barn or Room, Yard or backside, Woods or Grounds) in the Parish of T. in the said County, upon the second day of *June* now last past, contrary to the Act aforesaid; and whereas we did upon the said Conviction Fine the said D. E. (viz. not Exceeding 5 l.) for his said Offence, and he did not pay down the said Fine unto us, These are therefore in his Majesties Name to charge and command you the said Constable and Borsoulders, and every of you, that you, some or one of you, do take the said D. E. and him safely Convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal and him there safely keep without Bail (or Mainprise, by the space of (viz. not Exceeding three Months) next after such delivery of him unto you; hereof fail not at your perils.

2. The like *Mittimus* (*Mutatis Mutandis*) to the House of Correction, &c. the like upon the second Conviction, and the like upon the third Conviction, ut *supra*.

XLVI. *Kilb. Precedents* 81 A Certificate for the taking the Oath according to 16 *Car.* 2. 4. § 19. N. 1. *Quakers*

*Kent*. ff. 1 A. B. one of his Majesties Justices of the Peace of the County of K. do humbly Certifie, that D. E. did this present day before me take the Oath mentioned in an Act of Parliament lately made, (intituled, *An Act to prevent and suppress Seditious Conventicles*,) in these words, I do swear that I do not hold the taking of an Oath to be unlawful, nor refuse to take an Oath on that account; in Testimony whereof I the said A. B. have hereunto set my Hand and Seal the day of &c.

XLVII.

Escape.

XLVII. *Kilb. Precedents* 81. 82. To levy Money upon a Goaler &c. for suffering one committed upon this Act to go at large, 16 *Car.* 2. 4. § 12. N. 1.

To the Constable and Borshoulders of the Hundred of *A.* and to every of them.

*Kent ff.* Forasmuch as it hath been duly proved before me that *A. B.* Keeper of his Majesties Goal at *C.* in the County aforesaid, did upon the 10. day of *June* last past permit *D. E.* to go at large contrary to the Warrant of his Commitment made by vertue of an Act of Parliament lately made, intituled, *An Act to prevent and suppress Seditious Conventicles*, and contrary to the Act aforesaid, These are therefore in his Majesties Name to Charge and Command you, and every of you that you, some or one of you, do levy upon the Goods and Chattels of the said *A. B.* Ten pounds by him forfeited for his said Offence, and that you do pay the Moneys so levied to the Church-Wardens of the Parish of *T.* in the said County for the relief of the poor of the Parish. Given under our Hands and Seals the day of &c.

2. The like *Mittimus*, *Mutatis Mutandis*, if the Keeper of the House of Correction suffer the Offender to go at large.

Escape.

XLVIII. *Kilb. Precedents* 82. 83. the like *Mittimus* for suffering one at large to Joyn with the Offender in the Exercise of Religion.

To the Constable &c.

*Kent ff.* Forasmuch as it hath been duely proved before us, that *A. B.* Keeper of his Majesties Goal at *C.* in the County aforesaid, did upon the 10. day of *June* last past permit *E. F.* being then a Person at large, to joyn with *D. E.* a Person Committed to his custody by vertue of an Act of Parliament lately made (Intituled *An Act to prevent and suppress Seditious Conventicles*) in the Exercise of Religion differing from the Rights of the Church of England contrary to the Act aforesaid; These are therefore in his Majesties Name to charge and command you, and every of you, that you some or one of you, do levy upon the Goods and Chattels of the said *A. B.* Ten Pounds by him forfeited for his said Offence, and that you do pay the Moneys so levied to the Church-Wardens of the Parish of *T.* the Parish where the Offender did last inhabit in the said County for the relief of the Poor of the said Parish: Hereof fail not at your perils. Given under our Hands and Seals the day of &c.

2. The like (*Mutatis Mutandis*) against the Keeper of the House of Correction, if he offend in the like Case.

Dignity.

XLIX. *Kilb. Precedents* 83. 84. A Warrant to levy the forfeiture of a Peer on the first Conviction, 22 *Car.* 2.

To the Constable and Borshoulders of the Hundred of *A.* and to every of them.

*Kent ff.* Forasmuch as *T. Lord C.* a Peer of this Realm was this present day according to the form of *An Act to prevent and suppress Seditious Conventicles*, Convicted by Record by us made, of being present in the Parish of *V.* in the said County at an Assembly Conventicle or Meeting, under Colour or pretence of Exercise of Religion in other manner than is allowed by the Liturgy or Practice of the Church of England, contrary to the Act



Act aforesaid, These are therefore in his Majesties Name to charge and command you and every of you, that you, some or one of you, do levy upon the Goods and Chattels of the said T. Lord C. Ten pounds for the Offence aforesaid, and that you do pay the Moneys so levied to the Church-Wardens of the aforesaid Parish of V. for Relief of the Poor of the said Parish; hereof fail not at your perils. Given under our Hands and Seals the day of &c.

2. The like for the second Conviction &c. and the like for a Peers suffering in a Conventicle the first and second conviction.

L. Kilb. *Precedents* 868. A *Mittimus* for a Nonconformist &c. on 17 *Imprisonment*.  
Car. 22. § 5. N. 1.

To the Constable and Borsoulders of the Hundred of A. and to every of them and to the Keeper of his Majesties Goal for the said County at M. in the County aforesaid.

Kent ff. Forasmuch as it hath been duly proved before us (*viz.* two Justices &c.) that A. B. Parson (*Vicar, Curate, Lecturer or other Person in holy Orders, Stipendary or other Person, who hath been possessed of any Ecclesiastical or Spiritual promotion*) who hath not declared assent to the Common Prayer pro ut the Act of 14 Car. 2. or Preacher in Conventicle) upon the 12. day of &c. or &c. was within five Miles of D. a City (Town Corporate or Borrough that sends Burgesses to Parliament, or of any Parish Town or place wherein he or they have since the Act of Oblivion been Parson Vicar Curate Stipendary or Lecturer, or taken upon them to Preach in a Conventicle) contrary to the form of the Statute in that Case made and provided, Intituled an Act for restraining Nonconformists from inhabiting in Corporations: These are therefore in his Majesties Name, to will and require you to take the said A. B. and him convey to the Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep for six Months without Bail or Mainprize; hereof fail not at your perils. Given under our Hands and Seals &c.

L. I. *West. symb.* 2 part 101 b. 102. *sect.* 95. An Indictment for absence *Church* from Church, &c. 1 Eliz. 2. § 14. N. 1. *supra.*

Essex ff. Juratores pro Domino rege super Sacrament' suum presentant' quod cum in statuto in Parliament' Dom' Eliz. Dei Gratia &c. Anno regni sui primo rent' apud W. in Com. M. inter alia inactitat' & ordinat' existit quod post Festum Sancti Johan' Bapt' Anno Regni Dictæ Dominæ Reginae omnis & singula persona sive personæ Inhabitant' in hoc Regno Angliæ, aut aliquo alio Dominiorum dictæ Dominæ Reginae diligenter & fideliter habentes nullam legalem seu rationabilem Excusationem abessendi adnitentur adire suam Parochialem Ecclesiam vel Capellam consuetam vel super rationabile impediment' aliquem usitatum locum ubi communes preces & Divina servitia, in Actu illo mentionat' Celebrat' fuerint tempore talis impediment' quodlibet die Dominico & alijs diebus ordinarijs & usitatis observari ut Festivis Diebus, & tunc & ibidem manere secundum ordinem & sobriè durante tempore Precium communium Predecationum aut aliorum divinorum Servitiorum ibidem utend' & ministrand' sub pena punitionis per censuras Ecclesiæ & etiam sub pena quod quilibet persona sic offendens forisfaciat pro qualibet tali offensa 12. denarios levand' per Gardianos Ecclesiæ parochialis ubi talis offensa foret fact' ad usum pauperum Inhabitant'

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eiusd' parochiæ de bonis terris & tenementis offend' per modum districtionum pro ut in Statuto predict' Continetur.

Cumque *T. R.* de *D.* in Com. predict' Armiger, & *A.* uxor ejus uterque eorum existent' etatis 16 Annorum & Amplius ac existent' Parochiani Eccles. Parochialis de *D.* predict' in Com. *E.* predict' infra quam quidem Ecclesiam communes Precationes & alia divina Servitia in Statut' predict' specificat' post predict' Festum Nativitat' St *Johan' Bapt'* Anno primo supradict' scilicet Die Dominico proximo post Festum St. *Mich. Archangeli*, Anno Regni *Sc.* & 12. diebus dominicis tunc proximè sequent' & 8. alijs diebus festivalibus easdem 12. dies Dominicas intervenient' Dicebantur & utebantur predict' *J.* & *A.* non habentes legalem nec rationabilem Excusationem seu Impediment' abessendi ab Eccles. predict' in diebus predict' tempore predict' Communum precationum predictarum & divinorum servitiorum ibidem tunc Dictorum habitorum et ministratorum non solum non adnuebantur adire Ecclesiam parochialem de *D.* predict' existens eorum Ecclesiam consuetam in predicto die Dom. proximè post predictum Festum Sancti *Mich. Archangeli* Anno Regni *Sc.* et predictis alijs 12. diebus Dominicis tunc proximum sequent' et predict' alijs 8. diebus festivalibus inter easdem 12. dies Dominicas intervenient' tempore predict' Communum Precationum et divinorum Servitiorum ibidem in diebus illis dictorum Habitorem et Ministratorum, sed etiam odio Habent' et contemnent' Evangelium et salubre Dei Verbum et dictum Dominum Reg. et Leges suas, seipsos voluntariè absentaverunt et uterq; eorum voluntarie seipsum absentavit ab Ecclesia predict' die Dom. proxim' post Festum Sancti *Mich. Arch.* Anno Regni *Sc.* et predict' 12. alijs diebus tunc proxime sequent' et predict' alijs 8. diebus festival' inter easdem 12. dies Dominicas intervenient' tempore predict' communum Precum, Predicationum et Divinorum Servitiorum ibidem in diebus illis dictorum habitorem et ministratorum, contra pacem et in contempt' dicti Domini Regis nunc et Legem suam et Coronam et Dignitatem suam, ac contra form' Statut' predict' in perniciosum Exemplum Malefactorum *Sc.* the same *ibid.* 137 b. *sect* 240.

XLXII. *Pract' Precedents Sc.* 50. 51. An Endictment for omitting the words of signing with the Cross in Baptism, contrary to 2 et 3 Ed. 6. 1. § 1. N. 8. et 1 *Eliz.* 2. § 4. N. 1.

*Kanc. ff.* Juratores pro Domino Rege super Sacrament' suum presentant, quod quidam *A. B.* nuper de *C.* in Com. *K.* predict' Clericus, secundo die *Sept'* Anno Regni *Sc.* Existens Vicarius Ecclesiæ Parochialis de *C.* predict' eodem secundo die *Sept'* Anno supradict' apud *C.* predict' in Ecclesia Parochiali de *C.* predict' in Com. predict' Sacrament' Baptismi eidam Infanti Masculino Existente filio Cujusdam *C. D.* ad tunc de *C.* predict' in Com. predict' Yeoman, administrant' et ad tunc et ibidem in Ecclesia predict' ad eundem Infantem masculinum illum, Hæc Anglicana verba sequentia, *And do sign him with the sign of the Cross*; Quæ quidem verba Anglicana mentionat' et expressa sunt in libro communis Precationis, Angl' *the Book of the Common Prayer*, ad tunc et ibidem voluntariè et obstinate dicere recusat et omisit in Dictæ Communis Precationis derogationem et contra formam Statuti in hujusmodi casu edit' et provis. nec non Contra pacem dicti Domini Regis Coronam et Dignitatem suas.

2. Ibidem 172. Another Endictment for not making the sign of the Cross in Baptism.

*Middlesex ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod *A. B.* nuper de *L.* in Com. predict' Clericus, fuit et est Minister Ecclesiæ Anglicanæ et Rector Ecclesiæ Paroch' de *L.* predict' in Com. predict' per spacium 12. mensium ult' elaps' et per idem tempus debuit et debet cantare aut dicere communem Precationem, Anglice, *the Com.*

*Common Prayer*, secundum, modum et ordinem libri vulgariter vocat, *the Book of Common Prayer and Administration of the Sacraments*, ac administrare Sacrament' in Ecclesia predict' de L. predict' in tali modo et forma pro ut mentionat' vel Edit' sunt in libro pred' predictus tamen A. B. apud L. predict' in Com. predict' per 12. menses in Ecclesia Parochiali predict' recusabat uti et dicere nec usus est precationem Communem in Ecclesia Parochiali de L. predict' in Com. predict' in tali modo et forma pro ut mentionatur in eodem libro, et quod predict' A. B. apud L. predict' in Com. predict' 24. die Martij Anno Regni dicti Domini Regis nunc Sc. in Ecclesia Parochiali predict' Ministravit Sacrament' Baptismi cuidam Infanti cujusd' C. D. in alia forma quam in dicto libro Communis Precationis continetur, et non faciebat signum Crucis super frontem ejusdem Infantis in Ministrand' Baptismum eidem Infanti, sed illud signum Crucis sic facere ad tunc et ibidem contemptuose recusavit et denegavit.

Ac etiam quod predict' A. B. 20. die Martij, Anno Sc. ac dictis alijs diebus et vicibus apud L. predict' in Com. predict' in presentia quam Plurimorum ligeorum Dicti Domini Regis nunc ad tunc et ibidem presertim in publica Lectione sua in Ecclesia Parochiali de L. predict' in Com. predict' ad tunc et ibidem existent' malitiose et seditiose dixit et propalavit hæc Anglicana verba sequentia, viz. *That using the Cross in Baptism is Idolatry*, in defamationem libri predict' ac in contempt' dicti Domini Regis Coronam et Dignitat' suas.

LIII. *Præf. Precedents* 109. An Endictment for Blasphemy.

*Middlesex* ff. Juratores pro Domino Rege super Sacrament' suum presentant quod A. B. nuper de Parochia S. *Buttols* extra *Aldersgate* in Com. M. predict' Gen' existens homo impius, prophanus et Irreligiosus, ac timorem Dei in corde suo non habens, sed instigatione Diabolica motus et seductus et veram et Christianam Religionem Intra hoc Regnum *Angliæ* per diversa Statuta et Acta probat' et confirmat' scandalizare et vilificare nec non Sapientiam Omnipotentiam et Majestatem Domini nostri Jesu Christi Blasphemare intendens ac machinans 10. die Julij Anno Sc. Apud paroch' predict' in Com. predict' hæc falsa Impia Blasphematica et Heretica verba Italica in presentia et auditu diversarum personarum linguam Italicam bene Intelligent' falso malitiose et adversatè Diabolicè Blasphematicè et Heretice dixit pronunciavit et alta voce publicavit, viz. *Jesu Christo, Moyses, et Mahomet furmo tre grand furbe*; quæ quidem verba Italica sic significant et interpretantur et eundem sensum habent pro ut hæc Anglicana verba sequentia viz. *Jesus Christ*, (predictum Dominum nostrum Jesum Christum unigenitum filium Dei Omnipotentis innuendo) *Moses* (*Moysen* magnum Prophetam in sacra scriptura nominat' innuend') *And Mahomet were three great Rogues*, ad grave Scandalum professionis veræ Religionis Christianæ, in contemptum et Blasphemiam Deitatis Domini nostri Jesu Christi et maximam Dei Omnipotentis displicentiam, in malum et perniciosum exemplum omnium aliorum in hujusmodi Casu delinquent' ac contra pacem dicti Domini Regis Coronam et Dignitatem suas.



*Replevin*, see *Process*, *Cattle*, *Bailment*,  
*Request*, see *Process*.  
*Restitution*, see *Force*.  
*Rescous & Resistance*, see *Escape*, *Force*.  
*Reparation*, see *Ways*.  
*Retorn*, see *Certificate*.  
*Recordare*, & *Removing*, see *Certiorari*.  
*Removal*, see *Poor*.  
*Revenue*, see *Taxes*.  
*Records*, see *Pain*.

### Riot.

*Rout*, *Affray*, *Force*, *Sheriffs*, *Tumults*, *War*, *Assemblies*, *Rebellion*, *Insurrection*.

I. **L** *Ambert* 2 cap. 5. pag. 173. Not only the Commission § 14. giveth Power to Enquire of Conventicles against the Peace, but sundry Statutes, also have devised many means and pains to meet with and to punish the same, whereas before they were punishable only as other Trespases, though sometimes by a greater, and sometimes by a smaller Fine, as the Case it self required consideration, *Crompt.* 53 b. & 61. *infra*. *Dalt.* cap. 46.

II. *Lambert* 174. 175. 176. Of these Conventicles that bring manifest terror to the Subject, some consist of a number of People gathered together disorderly, for the Cause of some one or of a few Persons, and do not Breed any general or present Danger to the Estate or Government, and yet be against Law, and be called Riots, Routs and Assemblies against the Law, against which the Statutes 13 H. 4. 7. & 2 H. 5. 8. & 19 H. 7. 13. were specially provided, and before that the penalty of the Statute of *Northampton.* 2 Ed. 3. 3. was laid upon them by 2 *Rich.* 2. 6.

2. But others there be that do favor of a more general Disobedience, and be in regard of the Number or Quarel, a very Seed of Rebellion, if not the Weed it self, and are therefore also sometimes Called *Rumors*, great Ridings, Routs and Riots against the Peace, 15 *Rich.* 2. 6. 7 *Rich.* 2. 2. 6. Sometimes Assemblies of People in great Numbers in manner of Insurrection, 2 H. 5. 9. and sometimes Rebellious Insurrections and Rebellious Assemblies, 15 R. 2. 6. & 2. H. 6. 14. & 1 *Mar.* 1 St. 2. cap. 12. &c.

3. An unlawful Assembly is of the Company of three or more Persons disorderly coming together, forcibly to commit an unlawful act; as to Beat a Man, or to enter upon his Possession or such like, *Crompt.* 61.

4. A Rout saith *Marrow*, is such a Company so assembled for their own common Quarel, as where the Inhabitants of a Township come forceably together to throw down a Hedge, Ditch, or Pale, in Claiming their Common, *Crompt. 61. § 4.*

Or to Beat a Man that hath done unto them some publick Offence or Displeasure.

But 18 Ed. 3. St. 1. pag. 159. § N. speaking of Routs that are brought into the presence of the Justices, and 2 Rich. 2. 7. that treateth of Riding in great Routs to make entry into Lands, to beat Men, or to carry away their Wives, &c. do seem to understand the word Rout in a more ample and large meaning, *Dalt. 217. cap. 85.*

And therefore I will describe it thus. A Rout is a disordered Assembly of three or more Persons moving forward to commit by force an unlawful Act; for it is a Rout whether they put their purpose in full Execution or no, if so be that they go, ride, or move forward after their first moving. *Riot, Br. 4 5. &c.*

5. A Riot is thought to be where three or more Persons be disorderly Assembled to commit with force any such unlawful Act, and do accordingly Execute the same, of the French Riotter to scold or brawl, because such manner of Acts be commonly accompanied with words of brawl, *Crompt. 61. § 2. Dalt. 217. cap. 85.*

6. And thus upon the whole Reckning an unlawful Assembly is the first degree or beginning, a Rout the next step or proceeding, and a Riot the full Effect and consummation of a Disordered and forbidden Action.

III. *Lambert 176, 177, 178.* But howsoever that stands, two special things there are that be common, and must concur both in the unlawful Assembly, Rout, and Riot. 1. That three Persons at the least be gathered together; for so it is commonly holden at this day, as I have learned. 2. That their being together do Breed some apparent Disturbance of the Peace, either by signification of Speech, shew of Armor, turbulent Gesture, or Actual and Express Violence: So that either the Peaceable sort of Men be unquieted and feared by the Fact, or the lighter sort and busie Bodies be imboldned by the Example, *Dalt. 218. cap. 85.*

2. And in these matters not only the Fact it self, but also the manner of doing the same, falleth sometime justly into Consideration, in so much as the Lawfulness or unlawfulness of the thing it self that is done, or intended, doth not always excuse or accuse the Parties to a Riot, Rout, or unlawful Assembly, but so that the manner and Circumstance of the doing must also be brought into Judgment with it.

3. And therefore, saith Mr. *Marrow*, the manner of the doing of a lawful thing may make it unlawful, as if many in one Company Riding or going to the Sessions, Fair, Market, or Church it self, will ride or go Armed to the terror of the People; for although it be not only lawful, but meet and necessary also to go to the Church and Sessions, yet to go in such shew, it is altogether needless, disordered, and against the Law, *Crompt. 62. § 74. Dalt. 221. cap. 87.*

4. So if three or more shall enter into Land with a force, where their entry is otherwise lawful.

5. And contrarywise, an Assembly to do a wrong, saith he, may be so handled that it shall prove none of these Offences; as if I gather meet Company together to carry away a piece of Timber, which will not be moved without a good many, whereto I pretend right, though in Law it be another mans, *Dalt. 219. 220. cap. 85.*

6. And

6. And so also to do an unlawful thing, as if many do meet to play at Bowls, Tables, or Cards, and do use no misbehaviour against the Peace, they are not punishable in this degree, *Crompt. 61 b. §. 6.*

7. And yet if he that carrieth the Piece of Timber away will use dreadful words, as to say, that he will carry it in spite of him that hath it; or that he will have it though he dye for it, or such like; his doing may then become a Riot, by *Marrow, Crompt. 61 b. §. 8.*

IV. *Lambert 178, 179, 180.* Furthermore, the Intention and purpose of those that be Assembled is worthy the weighing, for to use Horns on *Midsummer-night in London* or on *May-day* in the County for sport only, is no such Offence, seeing no terror followeth it; and the words *in terrorem populi*, seem to be material in an Indictment of this kind, *Crompt. 61. §. 7. 64. §. 43. 3 H. 7. 1. Riots Br. 2.*

2. So if the Sheriff or his Bailiff do levy People to serve the Kings Writ of *Capias*, or if a Constable do gather Assistance of Men with weapon to part an Affray, it maketh no Riot, *3 H. 7. 1. 10.*

3. So if a Man, hearing that another will fetch him out of his House and beat him, do assemble company with force, it will be no unlawfull Assembly, for his House is his hold and Castle, *Crompt. 64. pl. 42. & 70. pl. 2. Dalt. 217. cap. 85.*

4. But if he be only threatned that he shall be beaten, if he go to the Market, then may he not assemble Company for his aid, because he needeth not to go thither, and he may provide for himself by Surety of the Peace, *21 H. 7. 39. per Fineux.*

5. And if many be assembled, and none of them knoweth to what end, it can make no Rout nor Riot, as *Marrow* thought, till the Intent be known; for if the Master intend to make a Riot, and take his usual Servants with him, not foretelling them what he intended to do, and then committeth an Outrage with them, this is no Riot in them; for although he shall be punished, they shall be Excused. But otherwise it is if he make them privy to his purpose, for then they also shall be punished, by *Marrow*, and Reported by *Dalison, Crompt. 61 b. 62. §. 13.*

And in the former Case it is not material, whether his number of Servants be above his degree, or no, so long as they be his Menials or Household men, *Dalison, Dalt. 220. cap. 86.*

6. If many be at an Alehouse, a Christmas-Dinner, or Church-Ale and without any intent of an Affray they sodainly fall together by the Ears, and make it *Lapitharum Convivium*, yet this is no Riot, but a sodain Affray, because they had no such Intention, *Crompt. 61 b. §. 12.*

But if in that Affray they shall be taken themselves to sundry parts, it may become a Riot, as *Marrow* thinketh, for then it is not the first, but a new Assembly as it were in his meaning.

7. And if twelve Jurors being committed to their Keeper, do fall out, and fight six against six, this maketh no Riot, saith *Marrow*, because they were lawfully Assembled, and were compelled to be in company together.

8. But if a number of Women or Children, under the Age of Discretion, do flock together for their own Cause, this is none Assembly punishable by these Statutes, unless a Man of Discretion moved them to assemble for the doing of some unlawfull act, as *M. E. Marrow* writeth, *Dalt. 222. cap. 88.*



Yet I remember well, that not many years ago, sundry Women were punished in the *Star-Chamber*, and that worthily, because putting off that shamefastness which becometh their Sex, they Arraied themselves in the Attire of Men, and assembling in great number, they most riotously pulled down a lawful Inclosure, *Crompt. 62. infra.*

9. Finally, *Marrow* noteth, that if the Mayor and Commonalty of a Town do Assemble and make a Rout in their Common Quarel, this Offence shall be Judged and punished in their Natural Persons, and not in their Body Politick, *Crompt. 62. § 18.*

V. *Lambert. 167, 168.* The *Stat. 2 Ed. 3. 3.* of *Northampton* is of late days frequently put in ure for the punishment of forcible Entries, *Crompt. 71 b. 72 a. Poult. de Pace 40. §. 28.*

2. That Law 2 *Ed. 3. 3.* in Effect, and for this purpose, is thus; No Man whatsoever, except the Kings Servants and Ministers in his Presence, or in Executing his Precepts, or their Offices, and such as shall assist them, and except it be upon loyal Proclamation made for Arms to keep the Peace and that in places where such Acts do happen, be so hardy to come before the Kings Justices or other his Ministers doing their Office with force and Arms.

2 *Ed. 3. 3. § 1. N. 2.* Nor bring any force in Affray of the Country.

2 *Ed. 3. 3. § 1. N. 3.* Nor go nor ride Armed by night or by day in Fairs or Markets, or in presence of the Justices or other Ministers, nor in any place elsewhere, upon pain to forfeit his Armor to the King, and his Body to Prison at the Kings pleasure.

3. Upon this Statute 2 *Ed. 3. 3.* he that is put out, or holden out of his Land with force, useth to have at this day a Writ directed out of the *Chancery*, either to the Sheriff only, as *F. N. B. 249. E.* rehearseth it; for I find it not in the Register, or else *Custodibus pacis ac Vicecomitibus & eorum cuilibet*, as the common manner is.

4. Commanding that Proclamation be made upon 2 *Ed. 3. 3.* and that if any be afterwards found offending against the same, they shall be committed to Prison, there to remain untill some other commandment be given concerning them, and that their Armor and Weapon shall be prised, and the same answered to the use of the Kings Majesty.

VI. *Lambert. 168, 169, 170.* But forasmuch as that Justice of Peace to whom this Writ shall be delivered is to make Execution of the same as a Minister only, and is to certifie his doing therein, I think good to lend these few helps towards it.

2. At his coming to the Place where the force is supposed by the Writ, he may cause three Oyes for Silence to be made, with this or such another Proclamation; The Kings Majesties Justice of his Peace straitly chargeth, and in his Majesties Name Commandeth all and every Person to keep Silence whilst his Majesties Writ upon the Statute made at *Northampton*, in the second year of King *Edw. 3.* his noble Progenitor, delivered to the said Justice be read, and Proclamation be thereupon made accordingly, *Crompt. 72 Ab.*

3. Then may he read the Writ, or declare the Effect thereof in English: After that let three other Oyes be made, and thereupon may this Proclamation follow.

His Majesties said Justice doth in his Highnesses name, and by vertue of his said Writ, straitly charge and command that no manner of Person, of what Estate, degree, or condition soever, now being within the House of *A. B. &c.* named in the said Writ, shall go Armed nor keep force of Armor or Weapon, nor do any thing there or elsewhere in disturbance of his

his Majesties Peace, or in Offence of the said Statute, upon the pains of losing his said Armor and Weapon, and of Imprisoning his Body at his Majesties pleasure, *Crompt. 72 b.*

God save the King.

4. This done, the Justice may enter and search whether there be any force or Armor of Weapon worn or born against this Proclamation.

Or otherwise he may Enquire thereof by a Jury, for so the Writ it self doth Warrant him to do, *Kilb. Precedents 193. infra.*

5. And if any such be found, he ought to Imprison the Offenders, and to seize and appraise the Armor and Weapon so found with them.

But if upon the Proclamation made, they do depart in peaceable manner, then hath he no Warrant by the Writ to commit to Prison.

6. A form of Certificate or Return of this Writ into the *Chancery*, is thus, *Crompt. 72 b. 73.*

Upon the Writ it self these words may be endorsed;

Executio istius Brevis patet in quadam Scheda eidem Brevi consueta.

And the Schedule may be thus; *Dalt. 396. cap. 129.*

Ego K. T Armiger, unus Custodum Pacis Domini Regis in Com. K. certifico in Cancellariam dicti Domini Regis, quod virtute istius Brevis mihi primo deliberat' 10. die Apr. Anno 5c. publice proclamari ex parte dicti Domini Regis feci, quod B. cujus in dicto Brevi fit mentio pro ut in dicto Brevi precipitur, & quod quidem A. C. & D. E. de F. in Com. predict' Laborers predict' proclamat' parvi pendentes post Proclamat' predict' ibidem sic fact' Armati fuerunt ac Armatam potentiam ibidem duxerunt, scilicet, Duas Galeas, unum Arcu', & decem sagittas, duos Gladios, & totidem pugiones in perturbationem pacis dicti Domini Regis ac terrorem populi sui; nec non in contempt' Statuti in dicto Brevi specificati manifestum, ac perinde dict' A. C. & D. E. una cum Armaturis suis predict' arrestavi & seisiivi & eorum corpora ad proximam Prisonam dicti Domini Regis in Com. predict' Duci feci, ibidem moratura donec aliud a dicto Domino Rege pro ipsorum deliberatione habuero in mandatis: Armaturas etiam eorum predict' appetiari feci per A. B. C. D. & E. F. de B. predict' Yeman; ad hoc Juratos qui dicunt super Sacrament' suum predict' quod predict' duo Galea valent 10 s. & quod dict' Arcus & 10. Sagit' valent 6 s. & quod Gladij predict' valent 20 s. & quod dict' Pugiones valent 5 s. & sic quod Armatura predict' valent' in toto 40 s. de quibus paratus sum respondere secundum tenorem dicti brevis, in cujus rei testimonium huic presenti Certificationi meae Sigillum meum apposui. Dat' apud B. predict' Die & Anno supradict' *Dalt. 396. cap. 129.*

VII. *Lambert 171 172.* By this you have seen what one Justice of the Peace ought to do in the Execution of this Statute 2 *Ed. 3. 3.* as a Minister; and by the same you may also see what he may do therein of himself, *Ex Officio*, as a Judge, and without any Writ brought unto him.

2. For not only by the plain words of 2 *Ed. 3. 3. § 1. N. 4.* the Wardens of the Peace have Power within their Wards, and are Commanded to Execute this Act upon a pain, but also by good Implication in the Commission § 14. it self, every Warden of the Peace hath the Statute of *Northampton* committed to his Charge.

3. So that both in the matter and manner the doing is all one, saving that if he do it as a Judge he needeth not to make any Proclamation, the Statute 2 Ed. 3. 3. being a Prohibition in it self; nor yet to send any Certificate into the *Chancery*, but only to make his own Record of that which he shall do in this behalf; and thereout to send some *Estreat* into the *Exchequer*, that the King may be answered of the *Armor*, or of the value thereof.

4. And here perhaps the Redemption of the Imprisonment may be at the Discretion of the same Justice, even as in 15 R. 2. 2. and 8 H. 6. 9. 'tis sure it seemeth to be, but therein my advice shall be the same that I gave them before.

5. Adjoyning this, that in the Execution of the Statute of *Northampton* 2 Ed. 3. 3. the Justice of the Peace hath to do with removing of the Force only, and may not meddle with any restitution of the Possession.

VIII. *F. N. B.* 249. *F. Rex Vicecom' &c.* Quia datu' est nobis intelligi quod quamplures malefactores & pacis nostræ perturbatores in Conventiculis Congregati Armati & modo Guerrimo Arraiati apud C. accederunt & Clausas & domos quorundam ligoorum nostrorum ibidem per vim & potentiam Armatam intrati & res' redditus & proventus ac alia bona sua quæcunque de quibuscunque possessionibus suis ibidem proveinent' capere consentiunt & asportare intendunt & ad hoc parant in nostri contempt' ac quorundam de populo nostro ibidem terrorem & commotionem manifestam ac contra form' Statut' apud *Northampton* de Armis contra pacem Domini E. nuper Regis *Angliæ* terij progenitoris nostri non portand' editi et contra pacem nostram: Nos Statutum predict' inviolabiliter observari et idem infringentes Juxta vim et effectum ejusdem Statut' Castigari facere volentes et puniri tibi precipimus quod apud villam de C. et alibi in Com. tuo ubi necesse fuerit publice proclamari et ex parte nostra firmiter inhiberi facias ne quis cujuscunque status sive conditionis fuerit ibidem Armatus contra pacem nostram ac form' Statuti predicti accedat nec armatam potentiam nec quicquam aliud ibidem seu alibi facere per quod Pax nostra seu Statut' predict' lædi vel populus noster terreri turbari aut indebite gravari poterit quovismodo sub pæna Amissionis Armorum suorum et incarcerationem corporum suorum ad voluntatem nostram pro ut in Statut' predict' plenius continetur: Et omnes illos quos post et contra Proclamationem et inhibitionem predict' inveneris contraria facientes vel per inquisitionem per te modo et forma debitis capend' inveneris fecisse una cum Armis et Armaturis suis secum invent' Arrestari et capi et corpora ipsorum arrestatorum in Prisona nostra quousque aliud a nobis pro deliberatione sua habueris in mandatum salve custodiri ac Arma et Armatura predict' appretiari et nobis inde Respondere facias, nos vero in Cancellaria nostra sub sigillo tuo de nominibus Arrestatorum predict' ac de Armis et Armaturis suis et quid et cujusmodi fuerint et de pretio vel vero valore eorundem ac de toto facto tuo in hac parte reddatis distincte et aperte sine dilatione certiores hoc Breve nobis Remittent' &c. Teste *Crompt.* 71 b. 72 a.

IX. *Crompt.* 72. *Nota*, if a Justice executes the Statute of *Northampton* 2 Ed. 3. 3. aforesaid, as a Justice, *virtute officij*, (for it is committed to his Charge by the Commission § 14) then he need not make any Proclamation as it seemeth, because a Proclamation is not mentioned in the Statute.

X. *Crompt.* 76 *Ab.* See of forcible Entries, the Writ of *Northampton*, *F. N. B.* 249. *F. supra.* 8. whereby it appears, that the Weapon and Armor of such as keep Lands with force after the Proclamation made upon the said Writ, shall be forfeited; and this is by reason of 2 Ed. 3. 3. that

Bbbbb

saith,



saith, that none shall come before the Sheriff, Justices, or *Ec.* with force when they are in doing their Office, nor shall bring any force in affray of the Peace, nor shall go or ride Armed by night nor by day in any place, on pain of forfeiture of their Armor to the King, and of their Bodies to Prison at the Kings will, and by 20 R. 21. § N. they shall make a Fine and Ransome to the King in that Case.

2. *Nota*, This word *Armor* is taken as well for Weapons as for Harness, as appears by the Writ of Northampton F. N. B. 249. F. *supra*.

3. *Nota* that the Armor or Weapons that a Man hath, who keeps a House where *Ec.* with force shall be praised and answered to the King as appears by the Writ F. N. B. 249. F. *supra*. *Ec.*

4. A Servant in husbandry shall forfeit his Dagger, Sword or Buckler that he bears, if it be not in travelling with his Master, or in the business of his Master, or in defence of the Realm, by 12 Rich. 2. 6. § N. see 5 Eliz. 4. § N. which doth not take away the Statute.

Affray.

XI. *Lambert*. 126. An Affray may be without word or blow given, as if a Man shall shew himself furnished with Armor or Weapon, which is not usually worn and born, it will strike a fear into others that be not Armed as he is, and therefore both the Statute of Northampton, 2 Ed. 3. 3. made against the wearing of Armor and Weapon, and the Writ thereupon grounded (*supra*.) do speak of it by the words *Affray del pais & in terrorem populi*.

Justices.

XII. *Lambert*. 181. 182. one Justice of Peace can neither make enquiry of a Rout or Riot when it is done, *Crompt*. 61 b. § 9. *Dalt*. 109. cap. 46. nor assess any Fine, nor yet Award any Process for it, nor otherwise meddle with it in the very nature of a Rout or Riot, but only of a Trespass against the Peace, or upon the Statute 2 Ed. 3. 3. of Northampton, or 8 H. 6. 9. of forcible Entries, &c.

2. And therefore if he hear of any Rout, or of any intention of a Riot, he alone, or with his Servants may go to the Place, and such as he finds riotously Assembled and Armed, he may Arrest to find surety of their good abearing, and may commit them to ward, if they refuse to give it, and may take their Weapons from them, *Crompt*. 62. pl. 19.

3. And if he come to the Place, and do not find them, yet coming thither, he may leave his Servants there to make such Arrest when they shall come; so also if he be sick, he may send his Servants to the Place to Arrest them.

4. And this is the Judgment of all the Court in that Case of Sir Thomas Green, 14 H. 7. 8. in the Book at large Grounded upon the words both of the Commission § 14 of the Peace, and as I take it, of 34 Ed. 3. 1. § N. for that which is found in the report of that same Case by *Fitzb.* Justices of Peace; 9 (*Peace Br.* 7.) having many other matters not extant in the Book of the Terms, seemeth rather to pertain to 13 H. 4. 7. § N. than to 34 Ed. 3. 1. § N.

5. But if one Justice of the Peace alone will take upon him to Record a Riot that he seeth, the Party shall not be concluded thereby, for he may Traverse it, *infra*.

6. And if the Justice will commit one to ward, pretending untruly that he did a Riot, where he did none, an Action of Trespass lyeth for the party against him, *Fitz.* 7. P. 9. *infra*.

7. So that upon the whole matter, one Justice of the Peace alone may do somewhat to prevent a Rout or a Riot before it be done, and for the stay of it whilst it is in doing, but nothing in effect to punish it as a Riot or Rout when it is committed and done.

8. For

8. For as Judge *Fineux* saith, 14 H. 7. 8. in the Case of Sir *Thomas Green*, the Statute (which I take to be that of 34 Ed. 3. 1. rather than 13 H. 4. 7. which by exprets words requireth the presence of two Justices at the least) was given as a hasty remedy, and for to prevent a mischief being imminent, and before the eye, and therefore the Law shall largely construe the Authority of a Justice of Peace in that behalf, *Crompt. 121 § 17.* so that he shall neither need to make any Precept in writing, nor to be present in his own Person, but may use all reasonable means for prevention and stay of the Evil.

9. And yet the ordinary Power of punishing Routs and Riots resteth not in his hand alone, but rather belongeth unto two Justices of the Peace &c.

XIII. *Lambert* 309, 310, 311, 312. by 13 H. 4. 7. § 1. N. 1. If a Riot, Assembly, or Rout of People against the Law be made, the Justices of Peace, or three, or two at the least of them, and the Sheriff and Under-Sheriff of the County shall come with the Power of the County, if need be, to Arrest them, and shall Arrest them, *Crompt. 199 Ab.*

13 H. 4. 7. § 1. N. 2. And shall have Power to Record that which they shall find so done in their presence against the Law.

13 H. 4. 7. § 1. N. 3. And by that Record such Offenders shall be Convicted in manner and form as it is contained in the Statute of forcible Entries, (*viz. 15 R. 2. 2.*)

13 H. 4. 7. § 1. N. 4. And if such Trespassers be departed before their coming, then these Justices of Peace, or three, or two of them, shall diligently enquire within a Month after such Riot, Assembly, or Rout made, and thereof shall hear and determine according to the Law of the Land, *Crompt. 199 b.*

13 H. 4. 7. § 2. N. 1. And if the truth may not be found in the manner as aforesaid, then within a Month then next following, the said Justices and Sheriff, or Under-Sheriff, shall certifie before the King and his Counsell all the Deeds and Circumstances thereof.

13 H. 4. 7. § 2. N. 2. Which Certificate shall be of like force as the verdict of 12. Men, &c.

13 H. 4. 7. § 3. N. 1. And if such Offenders do traverse the matter so certified, then the Certificate, and Traverse shall be sent in *B. R.* to be tryed, and determined as Law requireth, *infra.*

13 H. 4. 7. § 4. N. 1. And that the Justice of Peace Dwelling most nighest in every County, or Under-Sheriff shall do Execution of this Statute, every one upon pain of one *l.* to be paid to the King as oft as they shall be found in default.

2. Whereupon 19 H. 7. 13. § 1. N. 9. Addeth, that if the said Riot, Rout, or unlawful Assembly be not found by the said Jury, by reason of any Maintenance or imbracery of the said Jury, then the same Justices and Sheriff, or Under-Sheriff, shall also Certifie the Names of the Maintainers and Imbraceors in that behalf, if any be, with their Misdemeanors, that they know; upon pain of every of the said Justices and Sheriff, or Under-Sheriff to forfeit 20 *l.* if they have no reasonable excuse for not Certifying the same. *Lambert, 366.*

19 H. 7. 13. § 1. N. 10. which Certificate so made shall be of like force as a Verdict, &c.

19 H. 7. 13. § 1. N. 11. And every Person duly proved to be a Maintainer or Imbraceor in the same, shall forfeit 20 *l.* to the King, and shall be committed to ward, there to remain by the Discretion of the Justices,

3. Hereunto also 2 *H. 5. 8. § 2. N. 5.* adjoyne further, that the Kings Liege People being sufficient to Travel, shall be assistant to these Justices Sheriffs, or Under-Sheriffs, when they shall be reasonably warned to ride with them in Aid to resist such Riots, Routs, and Assemblies, upon pain of imprisonment, and to make Fine and Ransom to the King.

2 *H. 5. 8. § 2. N. 1.* Provided always, that the said Justices, Sheriff, or Under-Sheriff, shall do their said Offices, at the Kings Costs in going, tarrying and returning, by payment thereof to be made by the Sheriff, by Indenture between him and them of the said payment, *Lambert. 365.*

2 *H. 5. 8. § 2. N. 2.* And that such Rioters attainted of great and heynous Riots, shall have one whole years Imprisonment at the least, without being let out of Prison by Bail, Mainprise, or in any other manner, during the year aforesaid.

2 *H. 5. 8. § 2. N. 3.* And that Rioters attainted of petty Riots, shall have Imprisonment as best shall seem to the King, and to his Council.

2 *H. 5. 8. § 2. N. 4.* And that the Fines of such Rioters attainted shall be by the same Justices Increased and put in greater Sums than they were wont to be put in such Cases before that time, in Aid and supportation of the Costs of the Justices and other Officers aforesaid in this behalf.

4. Now by 2 *H. 5. 9. § 2. N. 1.* If it be witnessed by two Justices of the Peace, and the Sheriff, by letters under their Seals to the Lord Chancellor of England, that any Murders, Manlaughters, Batteries, Robberies, Assemblies of People in great number in manner of Insurrection, or other Rebellious Riots, have been done, and that such Offenders have withdrawn themselves to the intent to Avoid the Execution of the Common Law, then 2 *H. 5. 9. § 1. N. 3.* The Lord Chancellor may make a Writ of *Capias*, and 2 *H. 5. 9. § 1. N. 6.* if need be, a Proclamation &c.

Which Statute 2 *H. 5. 9.* Was made to endure to the next Parliament, and so discontinued; but it was revived by 8 *H. 6. 14. § 1. N. 15.* and made perpetual, which 8 *H. 6. 14. § 1. N. 11.* moreover ordaineth, that before this Writ of *Capias* shall be awarded, two Justices of the Peace, and the Sheriff of the Shire where such Riot is supposed, ought to witness that the common Voice and Fame runneth in the said County of the same Riots, 8 *H. 6. 14. § 2. N. 1.*

XIV. *Lambert. 313, 314, 315.* Forasmuch as the Power given by 17 *Rich. 2. 8. § N.* for repressing of great Assemblies and Riots was delivered with such conjunctive and general words, *viz. To the Sheriffs, and other the Kings Ministers*, that it was often doubted not only who were ment by the word *Ministers*, but also whether the Sheriff, and any of those Ministers apart, might perform the Service, or that they ought all to joyn together therein, *Crompt. 62. § 15. infra.*

2. Therefore this Statute 13 *H. 4. 7. § N.* cleareth those Questions and putteth expresse Power into the Hands, of any three, or two Justices of the Peace, and of the Sheriff, or Under-Sheriff, not only to Arrest such Riotors, but also to Convict them of their Offences, by recording of that which they should see to be done against the Peace, *Dalt. 217. cap. 85.*

3. And this Authority of Assembling the Power of the County, and of Arresting and Imprisoning the Rioters, was once before this time, namely 2 *Rich. 2. 7.* committed to some, but it was by and after, even in the self same year of the same King, 2 *Rich. 2. St. 2. cap. 2.* resumed as a thing overhard to be born, that a Free-Man should be Imprisoned without an Indictment



dictment or other Tryal by his Peers, as 9 *H. 3. 29. Magna Charta* speaketh, untill that the Experience of greater Evils had prepared and made the Stomack of the Commonwealth able and fit to digest it.

4. Now whereas here 13 *H. 4. 7. § 1. N. 1.* is mention of the Power of the County, by virtue of those words Master *Marrow* thinketh that the Justices of the Peace, Sheriff, or Under-Sheriff ought to have the aid and attendance of all Knights, Gentlemen, Yeomen, Laborers, Servants, Apprentices and Villains, and likewise of Wards, and of other young Men that be above the Age of sixteen years, because all of that Age are bound to have Harnes by the Statute of *Winchester*, 13 *Ed. 1. St. 2. cap. 6. § 1. N. Dalt. 113. cap. 46.*

5. But by 13 *H. 4. 7. § 1. N. 1.* Women, Ecclesiastical Persons, and such as be decrepit, or do labor of any continual infirmity, shall not be compelled to attend; for the Statute 2 *H. 5. 8. § 2. N. 5.* which also worketh up the same Ground saith, That Persons sufficient to travel shall be assistant in this service.

6. And on 13 *H. 4. 7. § 1. N. 1.* It is referred to the Discretion of these Justices, Sheriff, or Under-Sheriff, how many, or how few they will have to attend upon them in this business, and how, or in what sort also they shall be armed, weaponed, or otherwise furnished for it, *Crompt. 62 b. pl. 20.*

7. But be it that Information be made to these Justices, and Sheriff, or Under-Sheriff, that certain Persons be riotously assembled at *Dale*, and they do thereupon gather People to suppress them, and when they come to the Place, they find no Riot there; yet are they Excusable for this Assembly of Power so made by them, because they did it by Information, *Crompt. 64 b. pl. 49.*

8. And although they do so much without any Information, yet if they find a Riot when they come to the place, they shall not only be Excused for calling together such company upon their own motion, but may also lawfully proceed to punish the Offenders, Justices, &c. *Fitzh. 9. Crompt. 64 b. pl. 59. Dalt. 110. cap. 46.*

9. And this they ought to do by Arrest, if they be present, *Crompt. 65. pl. 53.*

10. In the Execution of which Arrest, they may also Justifie the beating, wounding, or Killing of any of the Rioters that shall resist it, *Crompt. 62 b. pl. 20.*

11. So if they meet with the Offenders in their way Riotously Arrayed, and coming from the Place, they may nevertheless Arrest them for their unlawful Assembly, *Crompt. 63. pl. 32.*

12. And after this Arrest so made, the Power of the County ought to aid the Sheriff, for Conveying the Rioters unto the Goal, without which the Arrest were but a Nugation.

13. And in this point, it differeth by the Opinion of *Marrow*, from the Arrest of Felon, by Hue and Cry; for there, saith he, when they have once delivered the Felon unto the Sheriff, they are no longer compellable to wait upon him.

XV. *Lambert. 315, 316, 317.* The Arrest thus made, these Justices, Sheriff, or Under-Sheriff, ought to make a Record in writing of that which they see and find; the which since it is a Conviction in it self against the Offenders, ought to be formal and certain as well for the time and place, as for the Number, Weapon, manner, and other Circumstances; for the Parties shall be concluded thereby, and shall not be received to traverse or deny it, because the view of a Riot, as Mr. *Fitzherbert* saith, is not to be traversed.

*Record.*

2. Infomuch as if they either do Record that they saw a Riot, wherein truth there was none at all, or that it do afterwards appear by the Record it self, that that Act which they recorded doth not amount to a Riot, yet be the Parties without any remedy, *Crompt. 63. pl. 33. 65. pl. 55, 56. Dalt. 109. cap. 46. infra.*

3. And if a Man be bound to the Peace, and afterwards such a Record of a Riot is made against him and others, he shall neither justifie, as Mr. *Marrow* holdeth, nor plead not Guilty in a *Seire Facias* upon his Recognizance.

4. If therefore a Man be slain or maimed, or a Rescous done to the Officer by such a Riot, then the Record ought to be *Riotose occiderunt*, or *Riotose Mahemaverunt*, or *Riotose Rescufferunt*, and not *Felonice* nor simply *Rescufferunt*, because their Authority in this Case is restrained to the Riot only, and extendeth not to the Felony.

But so that the Parties may, notwithstanding that Record, plead not Guilty to the Felony, or to the Rescous, howsoever for the Riot they are Estopt.

5. And this Record ought to remain with the one of them, and they, and none other Justices of the Peace, shall Imprison the Rioters and assess their Fine, by *Marrow*.

Which Fine they are willed by 2 *H. 5. 8. § 2, N. 4.* to put in greater Sums then they were wont to be put in such Cases, for supportation of the Costs of the said Justices, and other Officers in this behalf, as well in going and tarrying, as retorning, whereof payment ought to be made by the Sheriff by Indenture thereof between him and them.

6. But if the Rioters shall Escape after that these Justices, Sheriff, or Under-Sheriff, do come and see the Riot, then can they neither Arrest them at any other time, saith Mr. *Marrow*, nor Award Process against them upon that Record which they do make, *Crompt. 63 b. pl. 38.*

And then that Record must be sent into *B. R.* from which place Process may be made upon it, where also the Parties shall not be admitted to any Traverse, but must of necessity make Fine for their Offences.

7. And now, if these Justices, Sheriff, or Under-Sheriff, shall go to see one Riot, and then another Riot falleth out in their presence, yet may they make a Record of that, by *Marrow*.

So if they be assembled for some other Cause of Service, or for some private business; as for an Arbitrement or such like matter; and a Riot happeneth to be committed in their sight, they may Record it, by *Marrow*.

8. Likewise if the Rioters shall make a Riot upon the Justices and Sheriff that do come of purpose to Arrest them from the former Riot, they may Record that also, by *Marrow*.

And so may they, as I think, Record any Riot that shall be done upon themselves, whilst they be assembled for any other Cause than for to suppress a Riot, though Mr. *Marrow* seemeth to deny it.

XVI. *Lambert. 318. 319.* If two Justices of the Peace, without the Sheriff, or Under-Sheriff, shall see certain Persons in doing any Riot, they may cause them to be Arrested, and may make a Record of that offence, whereof the Parties shall be for ever Concluded, *Justices of Peace 9.* whereto *Fitzb.* addeth in his Book of Justices of Peace 17. that if two such Justices shall make such a Record, wherein truth they see no such Riot, that yet the Parties shall be Estopt, and are without remedy.

2. How this Record may be made without the Sheriff or Under-Sheriff, since none other Statute but 13 H. 4. 7. gives this Power of recording, but this only, I cannot hitherto perceive, unless it be understood of a Riot committed in their presence whilst they be sitting in judicial place, as in the Sessions, or at the least done to their disturbance when they be coming unto Sessions; and so far in this way with him goeth 7 Ed. 4. 18. *pl.* as well as 14 H. 7. 8. *Justices &c.* 9.

XVII. *Lambert.* 319. 320. The Recording of a Riot by the Justices, and Sheriff, or Under-Sheriff, *Crompt.* 66 b. *Dalt.* 397, *cap.* 130. *Poult. de Pace &c.* 86. § 8.

*Kent ff. Memorand' quod* 20. die Jan. Anno Regni &c. nos E. H. Miles, & J. L. Miles, duo Justiciarios dicti Domini Regis ad pacem in Com. predict' &c. assignatorum, & M. B. ad tunc Vicecomes ejusdem Comitatus ad gravem queremoniam & humilem petitionem A. B. de C. in dicto Comitatu Yeoman, in proprijs personis nostris accessimus ad Domum mansionalem ipsius A. B. in C. predict' ad tunc & ibidem invenimus D. E. F. G. H. J. de C. predict' Laborers, ac alios malefactores & pacis dicti Domini Regis perturbatores ignotos ad numerum decem personarum modo guerrino Arraiatos, viz. Gladijs, Pugionibus, Galeis, Loricis Arcubus & Sagittis illicitè & riotosè Aggregatos, & eandem Domum obsidentes & multa mala in ipsum A. B. comminantes in magnam pacis dicti Domini Regis perturbationem ac populi sui terrorem, & contra formam Statuti in Parliament' Domini Henrici nuper Regis Angliæ quarti, Anno regni sui 13. tento editi & provisi, ac propterea nos prefati E. H. & J. L. & M. B. predict' D. E. F. G. H. J. &c. tunc & ibidem Arrestari ac proximæ Goalæ dicti Domini Regis in Com. predict' Duci fecimus per visum & recordum nostrum de illicita Congregatione & Riota predict' convictos, ibidem moraturos quousque finem dict' Domino Regi pro inde fecerint; in cuius rei in Testimonium huic presenti Recordo nostro sigilla nostra apposuimus. Dat. apud predict' die & Anno primum predictis.

2. The *Mittimus* for conveying the Rioters to the Goal may be easily (with a few words of change) framed out of that which is in *Tit. Force Imprisonment.* 24. *Dalt.* 398. *cap.* 130.

XVIII. *Lambert.* 320, 321, 322. But now, as the Laws have laid down this Order of proceeding against the Riotors that shall be apprehended in their Offence, so have they also provided that if the Offenders be gone, yet their Fault shall not escape with them. *Enquist.*

And therefore these Justices are commanded first to enquire of that by others, which they, and the Sheriff, or Under-Sheriff, did not see and find, and if the truth may not thereby be found, then to certify what be the Impediments.

2. To this enquiry the Sheriff, or Under-Sheriff, be not associated as they were before in Arresting the Rioters, and recording their disorder, because they are now Ministers for returning of the enquiry, and therefore to be spared from being Judges therein, *Crompt.* 67 b. *infra.*

3. And albeit these Justices do not go to see the Riot, as 13 H. 4. 7. § 1. N. 1. biddeth, yet may they enquire thereof within the Month after, *Dalt.* 110. *cap.* 46.

4. Every Juror of this Enquiry ought to have lands in that County to the value of 20 s. by the year, of Freehold, above all charges, or 26 s. 8 d. of Copyhold, or of both: Upon every of which Jurors the Sheriff ought also to return 20 s. in issues at the first day, and 40 s. at the second day, 19 H. 7. 13. § N. *Crompt.* 67.

5. Moreover



5. Moreover where 13 H. 4. 7. § 1. N. 4. saith that the same Justices shall enquire, yet if any other Justices of Peace there, and not they shall do it, that will suffice, by *Marrow*.

6. Neither is it of such necessity to have enquiry within the Month by 13 H. 4. 7. § 1. N. 4. that for default thereof the Presentment shall be void; for the Justices of Peace may enquire thereof at any time by force of their Commission § 14.

But if it be not within the Month, every of them that be the next Justices is in Danger to lose 100*l.* for it, by 13 H. 4. 7. § 4. N. 1. *Lambert*. 366.

And therefore if these Justices do charge the Jury within the Month, and do give day unto them for yielding their Presentment after their Month, the Statute 13 H. 4. 7. § 1. N. 4. is not offended by it, by *Marrow*.

7. But if it happen the Parties to fall to an accord amongst themselves, so as none of them will sollicite the Justices to make the enquiry, yet ought the Justices to proceed *ex officio*, as knowing that either some of the Jury may have knowledge of the Fact, or that upon Proclamation made to give Evidence for the King, some other Persons may come forth ready to inform them, *Crompt*. 62 b. pl. 24.

8. The truth of the matter being found by this Enquiry, these Justices have Authority by this Statute, not only to make out Process against the Offenders, under their own Teste, but also to commit them to prison till they make their Fine, and to deliver them after payment of the same, or upon Sureties taken for it, or otherwise to receive their Traverse, and thereupon if the matter will so serve, to discharge and dismiss them.

9. For to all these Effects, as I think, the words 13 H. 4. 7. § 1. N. 4. (*hear and determine according to the Law of the Land*) do lead and enable him.

*Certificate.*

XIX. *Lambert*. 322, 323, 324. On the other side, if by this enquiry the fault be not brought to light, being hindred either by the malicious perversity of the Jurors, or by the unlawful maintenances, countenances, or embracery of other Men that put themselves into the cause, yet ought there by 13 H. 4. 7. § 2. N. 1. within one Month after such enquiry, a Certificate to be made as well of the names of the Principal Offenders, and of so much of the Fact and Circumstances thereof, as may by any ways or means appear, as also of the names of such Maintainors, and Imbracers and of their Misdemeanors in this behalf, *Crompt*. 167 b. 863. pl. *Dalt*. 120. cap. 46.

2. And here 13 H. 4. 7. § 2. N. 1. the Sheriff, or his Under-Sheriff, is once more called to this service, and joyned with these Justices, who by reason of his presence at the enquiry may both help to espie the Evil, and add force and credit to the Certificate, the end of which Certificate is but only to put the Offenders to Answer, *Crompt*. 63. pl. 33.

3. For although the words of the Statute 13 H. 4. 7. § 2. N. 2. do make the Certificate equal in force with the Verdict of 12. Men; yet forasmuch as it followeth in the same Statute, 13 H. 4. 7. § 3. N. 1. that the Certificate may be traversed, that is a plain Proof that it is no Conviction at all, but is only in the nature of a Declaration, Presentment, or Endictment at the common Law.

4. And therefore also it ought to comprehend the certainty of the time, place, persons, and other Circumstances, though perhaps, as Mr. *Marrow* holdeth it, needeth not to express the Additions of the Parties, as not being within the words of 1 H. 5. 5. § N. because no Process of Utlary doth lye upon it, *Crompt*. 63. pl. 31.

5. And

5. And whereas the enquiry is good by 13 H. 4. 7. § 1. N. 4. though it be had after a Month from the Offence committed, this Certificate, 13 H. 4. 7. § 2. N. 1. saith Mr. *Marrow*, is not good unless it be made within the Month after the enquiry, because the Power of certifying is given by the Statute only, which is the Warrant that they must peruse.

6. However, where the Statute 13 H. 4. 7. § 2. N. 1. willeth that they shall certify before the King and his Council, it seemeth to me that the same ought to be done, either to the Body (and Boord of the Privy Council, or into the Star-Chamber at the least, because that the Statute it self doth by expresse words 13 H. 4. 7. § 3. N. 3. distinguish the King and his Counsel here both from the *Chancery*, and from the *Kings Bench*, which in many other Cases be taken for the King and his Council also, *Crompt.*

7. And this I do the rather note, because I have read of Certificate of this kind, sent by Justices of Peace into the *Star-Chamber*, for that it is penal in those Justices, Sheriffs, or Under-Sheriffs, if they shall not address their Certificate as the Statute doth appoint them.

8. But now, if two Justices and the Sheriff go to see a Riot, and other two Justices make the enquiry, then the one sort, or the other of them, with the Sheriff, or Under-Sheriff, may make the Certificate, by *Marrow*, *Dalt.* 121. cap. 46.

9. And if four Justices, the Sheriff, and Under-Sheriff, go to see a Riot, and two of those Justices, and the Sheriff, Joyn in one Certificate, and the other two, and the Under-Sheriff, joyn in another Certificate, then the Certificate whereunto the Sheriff is party, shall be preferred, because the Authority of the Under-Sheriff is overshadowed by the Sheriffs own presence, by *Marrow*: But otherwise, if two Certificates be equal then that, shall be preferred which is best for the King.

10. And the same Rule must hold where the Enquiry and Certificate shall disagree; for if the Enquiry shall find that the Riot was made by twelve Persons, where in truth it was made by a hundred; or if the Enquiry be of twelve persons, and the truth is that those twelve were Harassed; or if the Endictment be of a Riotous Assault only, and the Riotors did both make an Assault and did beat and Wound, in these and the like Cases the Certificate may well be made so, as the omission in the Enquiry shall be supplied by it, by *Marrow*, *Crompt.* 63 b. pl. 37. 39

Howbeit, he saith, that if they shall vary only in the day, then the Endictment shall be preferred.

11. And if after the Enquiry, and before the Certificate, the Sheriff, dye, or one of the Justices be put out of the Commission, no Certificate can then be made, by *Marrow*, *infra*,

But if the Riot were recorded by the Justices and Sheriff, and the Rioters do escape, yet may that Justice of the Peace so put out of the Commission, joyn with the other Justice, and the Sheriff in their Certificate of the same, by *Mar.*

But if the Riot were recorded by the Justices and Sheriff, and the Rioters do escape, yet may that Justice of the Peace so put out of the Commission, joyn with the other Justice and the Sheriff in their Certificate of the same by *Marrow*.

XX. *Lambert.* 325, 326, 327. Upon which words 13 H. 4. 7. § 4. N. 1. these notes may be gathered.

1. That no Justice of Peace, dwelling out of the County where the Riot is, can be charged, although he be the next unto the Place, *Crompt.* 63 b. pl. 34.

2. That if any Justices that be not next unto the Place shall Execute the Statute, then that will Excuse those Justices that be the next, because they all have Power by the first part of the Statute 13 H. 4. 7. § 1. N. 4. *Crompt.* 62 b. pl. 26 *infra*. *Crompt.* 63 b. pl. 36.

C c c c c

Yes,

Yea, all the Justices of the Peace within the Commission and County ought to supply the default of the next Justices, if they have notice of such unlawfull Assembly, Rout, or Riot; for so was it lately adjudged *in the Star-Chamber*, *Crompt.* 62 b. § 21 *infra*.

Howbeit that penalty of 100 l. 13 H. 4. 7. § 4. N. 1. was there laid upon the next Justices only, and the residue were fined by the Discretion of that Court, according to the Exigence and temper of their fault, *Lambert* 366.

3. It is to be gathered, that if one or two of the Justices of the Peace that be next to the place, shall come to Execute the Statute, and the Sheriff, or Under-Sheriff, do not come at all, yet those Justices shall be Excused for their 100 l. *Crompt.* 63 b. pl. 35.

And Mr. Marrow thinketh that in this last Case the Justices be bound to send for the Sheriff, or Under-Sheriff, and not they for the Justices, *Crompt.* 62 b. pl. 22.

And in the same Case also it seemeth that the Justices shall be fined if they Arrest not the Riotors, or do not moreover all that which without the Sheriff, or Under-Sheriff, they are herein by any way Authorized to perform, *infra*.

4. That they shall do Execution of this Statute, 13 H. 4. 7. that is to say, of all and every part thereof respectively, as to such Justices, Sheriff, or Under-Sheriff, is thereby appointed.

But whether they are to take notice of such Riots at their peril, or may safely expect the Information thereof, I find it both doubted and undecided, *Dyer* 110, pl. 25. *infra.* *Dalt.* 110. cap. 46.

XXI. *Lambert* 327, 328, 329. The Precept to the Sheriff for Enquiry upon a Riot: *Crompt.* 66 b. *Dalt.* 398. cap. 130. *Kilb. Precedents* 193. *Poult. de Pace* 26 b. § 9.

M. S. Miles, & M. H. Armiger, duo Justiciariorum &c. assignatorum Vicemomiti ejusdem Comitatus, salutem, ex parte dicti Domini Regis tibi precipimus quod Venire Facias coram nobis apud J. in Com. predict' 29. Jan' proximum futuro 24. probos sufficientes & legales homines de Comitatu predicto, quorum quilibet habeat terras & tenementa infra dictum Comitatu' liberi tenement' per chartam ad Annum valorem 20. solid' aut per Copiam rotulorum curie ad Annum valorem 16. solid' & 8. denar' aut per utrumque ultra omnes reprisas ad inquirend' pro dicto Domino Rege ac pro indemnitate nostra in hac parte super Sacrament' suum de quibusdam illicitis aggregationibus & Riotis apud C. in Com. predicto nuper commissis ut dicitur & hoc nullatenus omittas sub pena 20. libr. quam incursumus es si in Executione premissorum deseceris, & habeas ibi tunc nomina Juratorum predictorum & hoc preceptum. Datum sub sigillis nostris 20. die Jan' Anno Regni &c.

2. The Entry of the Presentment or Enquiry, *Crompt.* 67. *Dalt.* 358. cap. 130. *Poult. de Pace* 26 b. § 9.

*Kent ff. Inquisitio pro Domino Rege &c.* Capt. apud S. in Com. predict' 20. die Jan. Anno Regni &c. coram M. S. Milite, & M. H. Armiger', qui ad hoc Jurati & onerati dicunt super Sacrament' suum predictum quod D. E. F. G. H. J. simul cum alijs Malefactoribus & Pacis dicti Domini Regis perturbatoribus ignotis ad numerum 7 personarum modo guerrino Arraiati Vi & Armis, viz. Hawberdis, Gladiis, Arcubus, & Sagittis 20. die mensis Januarij ultimo predicto apud C. in Com. predict' inter horas octavam & nonam Post Meridiem ejusdem diei domum Mansionalem A. B. de C. predece' Yeoman, scitua' in C. predict' Riotose fregerunt & intraverunt &



& in ipsum *A. B.* tunc & ibidem insultum fecerunt ac ipsum tunc & ibidem verberaverunt vulneraverunt & indignis modis tractaverunt ita quod de vita ejus desperabatur, in magnam Pacis dicti Domini Regis perturbationem & Populi terrorem ac contra formam Statuti de Riottis, Routis, & Congregationibus gentium illicitis in Parlamento Domini *H.* nuper Regis *Angl.* 4. Anno Regni sui 13. tento provisi & editi.

3. And as for the Certificate, 13 *H.* 4. 7. § 2. *N.* 1. which ought to be made to the King and Counsel, that may be done in English by way of a Letter, comprehending the truth of the matter present, as the case shall require.

XXII. *Crompt.* 12. *Ab. Nota*, This Precept, *supra*, is not to bring a Jury from any special place but to Summon 24. within the County, by 19 *H.* 7. 13. § *N.* otherwise it is in the Case of 8 *H.* 6. 9. § *N.* of forcible Entries.

2. *Nota*, Though that the Sheriff of the County shall be a Party to the recording of a Riot by 13 *H.* 4. 7. § 1. *N.* 2. yet he ought not to sit upon the Inquisition with the Justices, because this is not given by the said Statute 13 *H.* 4. 7. § 1. *N.* 4. but he may be there as Sheriff, *Lambert.* 32. *supra*.

XXIII. *Crompt.* 61 § 1. At the Common Law a Riot was punished as a Trespass, and the Fine was according to the quantity of the Offence by *Marrow Lect.* 8. and Imprisonment is given by the Statutes thereof made, *Lambert.* 173. *supra*.

XXIV. *Crompt.* 61 b. § 10. If the Justices and Sheriff, or Under-Sheriff, Record the Force, and do not commit the Riotors to Prison, or if they commit them, and do not Record the Force, they shall pay every one 100 *l.* by 13 *H.* 4. 7. § 4. *N.* 1. (*supra* 18. *N.* 2. & 20. *N.* 3.) because they have not Executed the Statute according to it, for the Statute 13 *H.* 4. 7. § 1. *N.* 1. is that they shall Record and commit.

XXV. *Crompt.* 62. § 21. If the two Justices nearest to the Place, where &c. and the Sheriff, or Under-Sheriff do not Execute the said Statute of 13 *H.* 4. 7. § 4. *N.* 1. they shall pay every one 100 *l.* and the other Justices of the same County where the Riot was made, shall be fined for not redressing of the Riot, if there be any default in them, as it happened 23 *Eliz.* in the *Star-Chamber* in the Case of *Drayton Bassett supra*, *Dalt.* 109. 110. cap. 47.

XXVI. *Crompt.* 61 b. § 11. When Men are Indicted of a Riot, they most commonly pray to be admitted to a Fine, and thereby they are not Imprisoned, which will give more benefit to the Endictee than the Fine, which is most commonly of small Sums, and therefore it will be good to use discretion in the admittance of him to a Fine (*Crompt.* 145 pl. 8.) *Dalt.* 119. cap. 46.

2. *Quere* if he prayeth to be admitted to a Fine, if the Court cannot force him to a Traverse, so that he may be convicted of a Riot and be Imprisoned, unless he confesseth the Indictment in Court, *Crompt.* 159 b. pl. 17. 21.

XXVII. *Crompt.* 62. pl. 15. *Nota*, That in the Case of the Riot committed at *Drayton Bassett*, in the County of *Stafford*, 21 *Eliz.* It was taken, that where 17 *Rich.* 2. 8. of Riots speaks, that Sheriffs, and other the Kings Ministers, shall take Rioters, &c. that under this word (*Ministers*) the Justices of Peace are comprised, &c. *Lambert* 313. *supra*.

And see *Fitzh.* Justices of Peace 156. that he conceived that the Constables of the Villis had Power to do as the Sheriff might by the said Statute 17. *Rich.* 2. 8. § N. by reason of this word *Minister*, *Crompt.* 158. & 65 b. pl. 58.

XXVIII. *Crompt.* 62. pl. 16. The Queens Attorney, viz. Sir Gilbert Gerrard, exhibited a Bill in the *Star-Chamber* upon 17 *Rich.* 2. 8. § N. because the Sheriff and Justices of Peace of *Stafford* did not remove the force that was in the Mannor House of *Drayton Bassett*, and the Sheriff, and divers of the Justices there were Fined, *Crompt.* 68 b. pl. 5.

XXIX. *Crompt.* 62 b. pl. 22. It seemeth that the Justices of Peace must have notice of the Riot given to them, or otherwise it must be so notorious that by common intendment they may have Notice, and yet 13 *H.* 4. 7. § 1. N. 1. speaks not of any notice; see *Dyer* 210. pl. 25. that its reason that they should have notice given to them, *Tamen Quere supra.*

XXX. *Crompt.* 62 b. pl. 25. *Nota*, That it is not necessary that any of the Justices of Peace, who shall enquire of the Riot, be of the *Quorum*; for 13 *H.* 4. 7. § 1. N. 4. doth not give this, otherwise it is for a general Sessions of the Peace; as appears by the Commission.

XXXI. *Crompt.* 62 b. pl. 26. A Riot is done, and within the Month after the doing of it, and before Inquiry, one who is the next Justice of Peace to the place where, and when it was done, removes thence, *Quere* if the other next Justices of the Peace shall nor inquire within the Month, for 13 *H.* 4. 7. § 4. N. 1. saith, That the next Justices shall enquire within the Month, *Ec.* not saying, that were next at the time of the Riot, or where it was made, *Ec. supra.*

XXXII. *Crompt.* 64. pl. 47. If a Man complains of a Riot, or a forcible entry, so that Justices of Peace be assembled to enquire thereof, and at the day he doth not prosecute the matter, *Quere* if the Justices to whom the complaint is made who went *Ec.* may commit him to Custody by Good discretion for the delusion *Ec.*

XXXIII. *Crompt.* 64. pl. 49. If three or more enter into Lands where, *Ec.* with force, where their entry is Congeable, yet it shall be a Riot, because that 5 *Rich.* 2. 7. defends from entry with force, though it were Congeable, *Crompt.* 65 b. pl. 60.

*Traverse.*

XXXIV. *Poult. de Pace*, 30. *Ab.* § 31. The form of a Traverse taken in a Town Corporate on 13 *H.* 4. 7. § 3. N. 1.

*Bucks ff.* Alias scil. ad Sessionem Pacis tent' apud B. in Com. predict' die Lunæ proximo post Festum Sanctæ Trin. Anno Regni Domini nostri Regis *Ec.* Coram J. N. Generoso Ballivo Burgi & Parochiæ de B. predict' & F. F. Milite, T. D. R. J. W. A. & R. J. Milit' P. R. Armiger' & S. L. Gen' & alijs socijs suis Justiciarijs dicti Domini Regis ad pacem in dicto Burgo & Parochia conservand' nec non ad divers. felonias transgressiones & alia malefacta in eisdem Burgo & Parochia perpetrata Audienda & terminand' assignatis, per Sacrament' 12 Jurat' extitit presentatum quod A. B. C. D. E. F. de G. cum diversis alijs malefactoribus & pacis dicti Domini Regis perturbatoribus modo Guerrino Arraiati, & assemblati 20. die *Mij* Hora quarta Post Meridiem ejusdem diei Anno ejusd' Domini Regis 2. Vi & Armis, viz. Baculis, Gladijs, Pugionibus, Falcistris & alijs Armis tam invasivis quam defensivis apud P. in B. predict' clausum cujusdam L. M. vocat' *Bonehildose*, illicite Riotosæ & Routosæ fregerunt & intraverunt & decem caractat' feni ad valentiam quatuor librarum de Bonis & Catallis dicti L. M. ad tunc &

& ibidem injustè & illicite ceperunt & asportaverunt contra pacem dicti Domini Regis & contra form' Statut' inde Editi & provisi.

Per quod preceptum est *J. C.* sub-Ballivo quod non omitteret propter aliquam libertatem *Sc.* quin *Venire Faceret* eisdem *A. B. C. D. E. F.* ad respondend' *Sc.* Posteaque scil' Diè Lunæ proxim. post Festum sancti *Mich' Archang.* Anno Regni Domini Regis *Sc.* coram prefatis Justiciarijs venerunt predicti *A. B. C. D. E. F.* in proprijs personis suis & habito Auditu Indictament' predicti separatim dicunt quod ipsi non sunt inde culpabiles & de hoc ponunt se super patriam & *H. J.* qui pro Domino Rege in hac parte sequitur similiter. Ideo veniunt inde jurat' coram Justiciarijs dicti Domini Regis ad pacem in Burgo & Parochia predicta conservandam assignatis *Sc.* ad Sessionem Pacis apud *B.* predicta die Lunæ proximum Post Epiphaniam Domini tunc proximum futurum tenend' & qui *Sc.* ad recogn. *Sc.* qui tam *Sc.* idem dies Datus est tam prefato *H. J.* qui sequitur pro Domino Rege quam prefat' *A. B. C. D. E. F.*

Ad quas quidem Sessiones Pacis tent' apud *B.* predicta in Com. predicta dicto Die Lunæ proximo Post Festum Epiphaniæ Domini Anno Regni Regis *Sc.* coram Ballivo & dictis *F. F. T. D. R. J.* & socijs suis Justiciarijs dicti Domini Regis ad Pacem in dicto Burgo & Parochia Conservandam nec non ad diversas felonias transgressiones & alia malefacta in eodem Burgo & Parochia perpetrata Audienda & terminanda assignatis, venerunt tam prefatus *H. J.* qui pro Domino Rege in hac parte sequitur quam prefat' *A. B. C. D. E. F.* in proprijs personis suis & Juratores per sub-Ballivum Burgi & Parochiæ predictæ ad hoc impannellat' & exacti, *viz. F. F. Mercer or Draper*, *Sc.* similiter venerunt, qui ad veritatem de premis dicend' triati & Jurati dicunt super Sacrament' suum quod predicti *A. B. C. D. E. F.* Culpabiles sunt & eorum quilibet culpabilis est de transgressione contemptu & Rioto predicta in indictamento predicta superius specificatis modo & forma prout superius versus eos supponitur.

Ideo consideratum est per curiam quod predicti *A. B. C. D. E. F.* Capiantur ad satisfaciend' dicto Domino Rege de omnibus suis occasione transgressionis Contemptus & Riotti predicti: Qui quidem *A. B. C. D. E. F.* ad tunc & ibidem presentes in curia petierunt se ad finem cum dicto Domino Rege occasione predicta admitti & ideo ponant se separatim in misericordia dicti Domini Regis & assessat' finis ejusdem *A. B.* per Justiciarios predicta ad 5 *l.* & assessatur finis ejusdem *C. D.* ad 3 *l.* *Sc.* bonæ & legalis moneræ *Angliæ* ad opus & usum dicti Domini Regis, *Lambert* 535, 536 *Dalt.* 400. *cap.* 130.

XXXV. *Lambert.* 381. And albeit the Power of these Justices be joynt at the Sessions, yet to some purpose each one by himself hath a distinct Power also; for if one of them, sitting in his Judicial place, shall see a Riot, he may cause the Parties to be Arrested, and may also Record the Riot, whereby they shall be so concluded, as they have none answer to it. Justice of Peace *Fitz.* 9. *supra.* 12. *N. 5. infra.*

XXXVI. *Lambert* 494, 495. An Endictment of a Riot without saying *Endictment.* *Contra formam Statuti*, *Sc.* is not good, as may appear in the Traverse, *Lambert* 535. *supra.* because it is no Riot, but by that Statute 13 *H. 4.* 7. and yet it is not of necessity that the Statute be verbally rehearsed, but only that the Offence against the Statute be sufficiently and with full words described, *Com.* 179. *infra.*

XXXVII. *Dalt.* 109. *cap.* 46. And yet if one Justice of Peace sitting in a Judicial place, as in the Sessions, shall see a Riot, he may command them to be Arrested, and may make a Record thereof, and the Offenders shall be concluded thereby, *supra.*

But



But if one Justice of the Peace shall see a Riot in another place, and shall command them to be Arrested, and shall make a Record thereof, the Offenders shall not be concluded thereby, but may Traverse, it *supra*. And yet the Justice may Record it, and certify the same to the next Sessions, *Kell. 41.*

XXXVIII. *Dalt. 109. cap. 46.* If a Justice of Peace commit a Man to Ward, pretending untruly that he did a Riot where he did none, the party may have an Action of Trespass against him; see 8 Co. 121. *supra*, yet see *Judges, Br. 2. 10.* that an Action will not lye against a Justice or Judge of Record, *Lambert 316 supra.*

*Assemblies.*

XXXIX. *Lambert 183.* The Statute 1 Mar. 1. St. 2. cap. 12. § N. and 1 Eliz. 16. § N. do make three degrees of Riots and Seditious Assemblies in certain special Cases; The first consisting of the common number of three Persons, and being under the Number of twelve; the second of twelve Persons or more; and the third of forty Persons and upwards, all which are to be punished diversly according to the number, intent, act, and obstinacy of the Parties Assembled, wherein there is some imitation of an ancient Law that King *Ina* made against Thieves, whose degrees in Offence he also severed and punished by their Number, saying thus, that Thieves we call them untill the Number of seven men, from 7. a Troop untill 35. and an Army above that Number.

XL. *Lambert 183, 184.* One Justice of Peace therefore may by vertue of these Statutes, 1 Mar. 1. St. 2. cap. 12. and 1 Eliz. 16. make, or cause to be made, a Proclamation in the Kings Name, after three Oyes thus, The King our Sovereign Lord, chargeth and commandeth all Persons being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawfull Business, upon the pains contained in the Act lately made against Unlawfull and Rebellious Assemblies; And God save the King; *Dalt. 110. cap. 86.*

2. And he also may at his discretion assemble his Majesties Subjects to take them, and may take them indeed, if they disobey, *Crompt. 195 b. pl. 26.* and shall be unpunished for the hurting or maiming, or Killing of any of them, if they make resistance. He also is to take the Declaration of any Person, that being moved to any such assembly, will within 24. hours after reveal the same unto him.

XLI. *Lambert. 360.* Three Justices of the Peace, one of them being of the *Quorum*, may discharge out of Prison any Person committed thither for his Offence, in not declaring to a Justice within 24 hours that he was moved to joyn in any unlawful Assembly, contrary to the Statute 1 Mar. 1. St. 2. cap. 12. and 1 Eliz. 16.

XLII. *Lambert 367.* That Justice of Peace that doth not, after request thereof made, give attendance upon the Kings Lieutenant of the Shire, for the suppressing of any Rebellion or unlawful Assembly, shall suffer a years Imprisonment, unless there be Cause of reasonable Excuse, 1 Mar. 1. St. 2. cap. 12. § N. and 1 Eliz. 16.

XLIII. *Lambert. 420, 421, 422.* Enquiry at Sessions if any Persons, of or above the Number of twelve, have been assembled, and have intended, gone about, and practised with force of Arms unlawfully to change any Laws of this Realm, or to cut or cast down any inclosure of Park, or inclosed Ground, or the Banks of any Fish-pond, or any Conduit head or Pipe, to the intent they should lay open or void, or to have any Common or Way there, or to destroy the Deer or Conies in any Park or Warren, or Dove-houses, or Fish in Pool, or in Pond: Or to cut down any Houses, Barns, Mills, or Bays, or to burn any Stack of Corn or Grain, or other usual Sustenance of men: And being commanded by the Sheriff, or any Justice

Justice of the Peace of the Shire, or by the Mayor, Sheriff, Justice of Peace, or Bayliff of the City, Borough, or Corporate Town, where the Assembly was, by Proclamation in the Kings Name to depart to their Houses, have notwithstanding continued together one hour after, or have after that forcibly attempted to do any such thing.

2. And if any Person have unlawfully by ringing of Bells, Sounding of Trumpet, Drumm, Horn or other Instrument, or by firing of Beacon, or by Malitious Speech or Outcry, or by Setting up or casting any writing, or by any other Act, raised or caused to be raised twelve Persons or above, in such manner, and to any such intent, as is aforesaid, and they being commanded by Proclamation as before, have nevertheless continued together one hour after, or have afterward attempted forceably to do any of the said things.

3. And if any the Wife or Servant of any the said Assembled Persons, or if any other Person have willingly, and without compulsion, delivered or conveyed Mony, Harnefs, Weapon or Victual to any of the said Persons Assembled, during their abode together as before.

4. and if any Person have hindred or hurt any that did Proclaim, or went to Proclaim, as before, and if any of the Parties Assembled, knowing of that hinderance, or Procuring it, have nevertheless afterwards committed or put in ure any the things aforesaid.

5. And if any Persons, to the Number of Forty or more, so have assembled, to the intent to do any the said things, or any other Felonious or Rebellious Act, and have continued together three hours after such Proclamation made, at or nigh the place of Assembly, or in some Market Town next adjoyning, and after notice to them thereof given, 1 Mar. 1. St. 2. cap. 12. § N. 1 Eliz. 16.

XLIV. *Lambert* 439. Enquiry in Sessions, if any Persons to the number of three or above, have been riotously Assembled, to beat any man, to enter upon a Possession, or to do any such unlawful Act, and have done it indeed, or attempted to do it, or have been assembled together in Routs for any common Quarrel, or otherwise, unlawfully against the Kings Majesties Peace, 2 H. 5. 8. Commission under the name of Conventicles.

2. If any Persons above the number of two, and under twelve, being assembled, have intended unlawfully with force to murder or slay any of the Kings Subjects; or to cut and cast down any inclosure, or Banks of any Fish-pond, or Conduit-head or Pipe, or to do any the deeds mentioned in unlawful Assemblies before 1 Mar. 1. St. 2. cap. 12. 1 Eliz. 16. § N. and have not departed upon Proclamation, but have attempted to do any of these things.

3. Or if any Person being moved to make any Rebellious Assembly, have not within 24. hours after disclosed the same to a Justice of Peace, or to the Sheriff; or if any Person have stirred or procured any other to make such Assembly 1 Mar. 1. St. 2. cap. 12. 1 Eliz. 16. *Crompt* 168. *Ab.*

XLV. *Lambert*. 605. The Act of Rebellious Assemblies, or the effect thereof, ought to be openly read at every Quarter-Sessions, 1 Mar. 1. St. 2. cap. 12. 1 Eliz. 16.

XLVI. *Lamb. Precedents* 13. pl. 34. An Endictment upon a Rebellious Assembly.

Juratores pro Domino Rege presentant quod primo die Mensis Octobr. Anno Regni Domini Jacobi Sc. A. B. C. D. E. F. (Sc. to the Number of 13. with Additions) apud quendam locum infra Parochiam de O. in Com.

pre-

predicti Angli vocat' le *Old Court* inter horas decimam & undecimam ante meridiem ejusdem diei Vi & Armis tam invasivis quam defensivis, viz. Gladis, Pugionibus, Baculis, Arcubus, Sagittis, Runicis, ferre Ferreis, & Tormentis seipso Congregaverunt & Assemlaverunt ac tunc ibidem intenderunt conati sunt & Practicaverunt Vi & Armis illegitimè & ex autoritate sua propria secare & prorsus evertere prostrernere ac destruere quoddam caput unius Aquæductus Angli vocat' a *Conduit-head*, tunc ibidem in fundo cujusdam R. S. de O. predicti in Com. predicti Generosi existent' & cursum aquæ in ipso habens ea intentione ut idem caput Aquæductus predicti ex tunc apertum & vacuum remaneret ac Jaceret : Et ulterius quod super querimonia inde facta coram T. W. uno Justiciariorum Pacis dicti Domini Regis in Comitatu predicti omnes & singuli predicti A. B. C. D. E. F. &c. tunc & ibidem per eundem Justiciarium requisiti sunt ac jussi per Proclamationem in nomine dicti Domini Regis tunc ibidem per eum palam factam ad habitationes Loca & Domos suas unde venerant se inde in Pacifico modo tetrahere retirare discedere & reverti quæ quidem Proclamatio tunc ibidem modo & forma sequentibus habita & facta est viz. predicti T. W. Justiciarius tunc ibidem fecit alta voce unam Oyes ad tunc ibidem immediate hæc verba Anglicana sequentia Palam alta voce pronunciavit dicens scilicet, The King our Sovereign Lord, chargeth and commandeth all Persons being assembled immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawfull Business, upon the pains contained in the Act lately made against unlawfull and Rebellious Assemblies; and God save the King.

Et ulterius Juratores predicti super Sacramentum suum dicunt quod non obstante dicta Proclamatione modo & forma predictis per prefatum Justiciarium tunc ibidem facta & habita ibidem tamen omnes & singuli predicti A. B. C. D. E. F. &c. in dicto loco vocat' le *Old Court* infra Parochiam de O. predicti in dicto Comitatu per spatium duarum horarum immediate & continuè Post dictam Proclamationem sic ut prefertur factam & habitam sequentium sed riotosè & felonice insimul remanserunt & continuaverunt in magnum dicti Domini Regis contemptum ac contra pacem coronam & Dignitatem suas, nec non contra formam diversorum Statutorum in hujusmodi casu provisorum & editorum.

XLVII. *Lamb. Precedents* 16. pl. 43. An Indictment for a Riotous Affray at the Quarter-Sessions.

Jurat' pro Dom. Rege super Sacrament' suum present' qd' octavo die Oct. An Regni dicti Domini nostri Jacobi &c. apud M. in Com predicti tempore Generalis Sessionis Pacis pro dicto Comitatu tunc ibidem tentæ & H. C. Milite, & socijs suis Justiciarijs dicti Domini Regis ad pacem in dicto Comitatu conservand' assignatis tunc ibidem existentibus & in plena curia sedentibus quidam A. B. C. D. E. F. G. H. & J. K. de S. in Com. predicti Generosi aggregatis sibi non nullis alijs pacis dicti Domini Regis perturbatoribus ignotis ad numerum 20. hominum Vi & Armis, viz. Gladiis &c. Armatis illicite Riotosè & Routosè sese assemlaverunt ac inter se insultum & Affraiam maximam tunc ibidem fecerunt sese invicem verberantes & vulverantes in magnum terrorem tam dictorum Justiciariorum tunc ibidem in curia sedentium quam totius populi dicti Domini Regis ad dictam Sessionem Pacis tunc ibidem Convenientium ac contra pacem coronam & Dignitatem dicti Domini Regis nostri.

XLVIII. *Crompt.* 250. pl. 60. An Indictment against Riotors who made a Riot upon the Sheriff,



Inquiratur pro Domino Rege quod cum quædam Commissio ex Curia cancellariæ Domini Regis nunc emanent' direct' fuit quibusdam *T. S. Armiger'* Vicom' Comitatus predict' *R. C. M.O.R. S.* & alijs ad quendam *H. A. Armiger'* & omnes alios de possessione cujusdam Messuagij & diversorum Tenementorum in *N.* in Com. predict' Amovend' ac ad collocand' quendam *R. N. Armiger'* in possessione ejusdem Messuagij ac Tenement' in *N.* predict' : Cumque etiam quoddam Breve Domini Regis de Habere facias possessionem eorundem tenementorum eundem *R.* super quandam Recuperationem in quadam Actione de Ejectione Firmæ tenementorum predictorum per predict' *R. Armiger'* versus dictum *H.* direct' & deliberat' fuit eidem Vicecom', cunque etiam tam Vicecomes predict' quam predict' Commissionarij pro Executione tam Brevis quam Commissionis predict' eidem Vicecom' & Commissionarijs in forma predicta direct' 12. die *Augusti* Anno Regni Domini nostri *Jacobi Sc.* tertio apud *N.* predict' ad dictum Capitale Messuagium et Tenementa predict' accesserunt seseque pro Executione Commissionis ac Brevis predict' ad tunc et ibidem assemblaverunt ac eundem *H. A.* et omnes alios ibidem a possessione Messuagij et Tenementorum predictorum quiete et pacifice removere voluissent, ac eundem *R. N.* in possessione eorundem collocare voluissent : Quidam tamen *R. A.* nuper de *M.* in Com. predict' Generosus *H. A.* de ejusdem Yeoman *Sc.* Aggregatis sibi quamplurimis alijs Malefactoribus ignotis et Pacis dicti Domini Regis Perturbatoribus ad numerum 16. personarum servientium et famulant' ejusdem *H. A.* et per Mandatum predict' *H. A. Elizabeth'* uxorem ejus ad tunc et ibidem Vi et Armis viz. Gladijs, *Sc.* et alijs Armis tam invasivis quam defensivis Riotosè, Routosè, et modo Guerrino Arraiati in dictum Capitale Messuagium sese Assemblaverunt & Aggregaverunt ac tam eundem Vicecom' quam Commissionarum predict' et servientes suos in predict' Capitale Messuagium et Tenementa predicta intrare offerentes Riotosè minati sunt, ac eosdem Commissionar' et Vicecom' ad tunc et ibidem violenter et Riotosè Extratenuerunt et Rescusserunt et possessionem ejusdem Messuagij et Tenementorum predictorum ad tunc et ibidem per Spacium sex horarum contra eosdem Vicecom' et Commissionar' Violenter et Riotosè tenuerunt et defenderunt ita quod dictus Vicecomes ac Commissionar' predict' ad possessionum predict' virtute Brevis et Commission' predict' habend' et prefat' *R. N.* deliberandum periculum mortis subierent nonnullique servientium suorum ad tunc et ibidem existent' vulverat' fuerunt contra Pacem dicti Domini Regis et in perniciosum exemplum aliorum Malefactorum ac contra formam Diversorum Statutorum in eo casu edit' et provis.

XLIX. *Crompt. 251. pl. 61.* An Indictment for a Riot and a Rout.

Inquiratur pro Domino Rege si *J. B. de B.* in Com. predict' Generosus *T. H. de B.* predict' in Com. predict' Yeoman, *Sc.* Aggregatis sibi quam plurimis alijs Malefact' et Pacis dicti Domini Regis perturbatoribus ignotis ad numerum septem personarum Riotosè et Routosè et modo novæ insurrectionis in Conventiculis illicitis et modo Guerrino Arraiati, Vi et Armis viz. Bombardis, Gladiis, *Sc.* et alijs Armis tam invasivis quam defensivis 5 die *Juij* Anno Regni *Sc.* apud *E.* predict' in Com' predict' sese illicitè Riotosè et Routosè Assemblaverunt, Congregaverunt, et univerunt, ad Pacem dicti Domini Regis distourband' et ad tunc et ibidem in quosdam *E. H.* et *J. S.* in Pace Dei et dicti Domini Regis existent' insultum fecerunt et ipsum *E. H.* ad tunc et ibidem verberaverunt, vulneraverunt, et male tractaverunt, Ita quod de vita sua desperabatur et alia Enormia ei intulerunt ad grave Damnum ipsorum *E. H.* et *J. S.* et contra Pacem dicti Do-

Domini Regis Coronam et Dignitatem suas, et contra formam Diverforum Statutorum in huiusmodi Casu edit' et provis'

2. Alio modo.

Inquiratur pro Domino Rege si *J. R.* nuper de *B.* in Comitatu predict' Yeoman, *R. A.* nuper de *G.* in Comitatu predict' Husbandman, et *J. B.* nuper de *D.* in Com. predict' Grome, cum multis alijs Malefactoribus eis Aggregatis et Pacis dicti Domini Regis Perturbatoribus ignotis modo Guerrino, Arraiat' vnit' assemblat' et congregat' ad numerum quindecim personarum per instigationem et procuracionem predict' *J. R.* in magnum terrorem subditerum dicti Domini Regis 5. die *Maij* Anno Regni *Ec.* Vi et Armis *viz.* Gladijs, *Ec.* et alijs Armis invasivis Clausum *R. B.* Armiger' Apud *F.* infra Parochiam de *B.* in Com. predict' vocat' *the M.* Riotosse fregerunt et intraverunt ac sepes et clausas predict' *R. B.* ad numerum sexcent' pedum ad tunc et ibidem existent' laceraverunt' irruperunt et proflernaverunt et fossat' ibidem existent' ad tunc et ibidem cum ligonibus et bipaliis foderunt planaverunt et impleverunt ad Grave Damnu' ipsius *R. B.* contra formam Diverforum Statutorum de Riotis et Routis, et alijs Conventiculis illicitis inde nuper edit' et provis': Et contra Pacem dicti Domini Regis, *Ec.*

*L. Crompt.* 25 i b. pl. 63. An Indictment against Rioters not said Riotosse, *supra.*

Inquiratur pro Domino Rege quod cum *N. W.* Miles, Vicecomes Comitatus predict' per Warrantum suum de deliberatione sigillo suo sigillat' cujus Dat' est 5. die *Apr.* Anno Regni *Ec.* mandavit cuidam *A. B.* Ballivo suo Comitatus predict' quod deliberaret seu deliberari faceret cuidam *T. H.* Averria sua nuper de eadem Villa et Com. Clothier, cepissent et injuste detinebant ut prefat' *T. H.* dicebat, et quod poneret ipsos *W.* et *P.* per vados et salvos plegios, Ita quod essent ad proximum Comitatu' ipsius Vicecom' apud *Ilchester* in Com. predict' tenendu' ad respondendu' prefat' *T. H.* de placito predicto, virtute cujus Warranti predict' *A.* Die et Anno supradictis apud *S.* predict' requisivit prefat' *W. S.* quod dimitteret sibi averria predict' ad deliberandu' eidem prefat' *T. H.* secundum vim formam et effectum Warranti predicti, si predict' *W.* ac quidem *H. C.* nuper de *S.* in Com. predict' Husbandman, *Ec.* cum multis alijs ignotis ad numerum octo personarum dicto 5. Die *Apr.* Anno supradict' Apud *S.* predict' Warranti predict' minime Ponderantes, Vi et Armis, *viz.* Gladijs, *Ec.* in prefat' *A.* insultum fecerunt Verberaverunt, vulneraverunt et male Tractaverunt ac ipsum *A.* ad tunc et ibidem Imprisonaverunt et detinuerunt per spatium quatuor dierum et quatuor noctium ex tunc proximè sequent' et ad tunc et ibidem debitam execution' Warranti predicti contradixerunt, impediverunt et distorbaverunt ad Grave Damnum ipsius *C.* ac contra Pacem dicti Domini Regis Coronam *Ec.*

Rivers, see Sewers.

Rogues, see Poor.

Robery, see Coron, Fresh-Suit.

Rome, see Pope.

Sabbath, see Days, Religion.

Sacraments, see Religion.

Sacriledge, see Coron and Church.

Salmons, see Fish.

Salt-Peter, see War.

Sanctuary, see Coron.

Scavage, or Shewage, see Merchants.

Schoolmasters, see Licence.

Scotland, see Alien.

Seals, see Deeds.

Sectaries, see Religion.

Se defendendo, see Coron.

Searchers, see Merchants.

Sedition, see Slander.

Seisin, see Force.

Sermons, see Religion.

Servants, see Apprentice.

Sessions, see Justices.

Settlement, see Poor.

## Sewers.

I. **I** *Ambert.* 362. Six Justices of the Peace, two of them being of the *Quorum*, may for a whole year after the Expiration of any Commission of Sewers Execute the Laws of the Commissioners of Sewers, unless that a new Commission of Sewers be published within the year 13 *Eliz.* 2. § 2. *N. 2. Grompt.* 201. *Dalt.* 134. *cap.* 50.

II. *Lambert.* 571. 572. No doubt but this Ordinance 51 *H.* 3. *St.* 5. *Exchequer* pag. 11. § 8. *N.* 1 (that all Justices, Commissioners, and Inquirers whatsoever deliver Extreates into the *Exchequer*) doth extend to the Justices of Peace, as a Man may Easily gather by the words of 13 *Eliz.* 9. § 6. *N.* 1.

III. *Kilb. Precedents 2 Edit.* 244. The Oath of a Commissioner 23 *H.* 8. 5. § 5. *N.* 3.



You shall Swear that you, to your cunning, Wit, and Power shall truly and indifferently Execute the Authority to you given by this Commission of Sewers, without any favour, affection, corruption, dread or malice to be born to any manner of Person or persons: And as the Case shall require, you shall consent and endeavour your self, for your Part, to the best of your Knowledge and Power, to the making of such wholesome, just, equal and indifferent Laws and Ordinances as shall be made and devised by the most discreet and indifferent number of your Fellows being in Commission with you, for the due redress, reformation, and amendment of all and every such things as are Contained and specified in the said Commission, and the same Laws and Ordinances to your cunning, will, and Power, Cause to be put in due Execution without favour, mead, dread, malice, or affection. So help you God.

*Sheep, see Cattle,*  
*Shooting, see Games, War.*  
*Shoemakers, see Leather.*

### Sheriffs.

I. **L** *Ambert* 390. The Sheriff in like manner ought to attend at these Sessions of the Peace for the double duty that he beareth, the one as Sheriff, to Return the Precept to take the Charge of Prisoners, and so to serve the Court otherwise as he hath in charge by the *Mandamus* that is mentioned in the Commission § 17. the other because he also hath Care and Charge of the Peace, see *tit. Justices* 142. the Precept of Summoning the Sessions.

II. *Lambert* 352. Two Justices of the Peace, the one being of the *Quorum*, may take the Oath of the Under-Sheriff of their County before that he meddle with the Exercise of that Office, as well of Supremacy 1 *Eliz.* 1. § 19. *N.* 3. as touching his Office 27 *Eliz.* 12. § 2. *N.* 3.

And the like may they do for the like Oaths of Bayliffs of Franchises, Deputies, and Clerks of the Sheriffs and Under-Sheriffs, and of every other Person that shall take upon him to intermeddle with the Returning of Jurors, or with the Execution of process in any Court of Record, 27 *Eliz.* 12. § 4 *N.* 1. *Crompt.* 76 b. *Lambert.* 427. 478.

III. *Crompt.* 76 b. *Nota*, Adjudged in *B. R.* that a special Bailiff shall not be Sworn by 27 *Eliz.* 12. § 4. *N.* 1. as Mr. *Farmer* an Apprentice of the Law told me.

IV. *Dalt.* 134. cap. 51. But special Bayliffs made for the serving of Process, are not to be Sworn by this Statute 27 *Eliz.* 12. § 4 *N.* 1. as Mr. *Crompt.* 76 b. Reporteth, and saith that it was so adjudged in *B. R.* &c.

V. *Nota*, that *Mich.* 27. *Car.* 2. in *B. R.* in an Information against one *Bents* and others, for intermeddling with Process without first swearing, it was adjudged that a special Bailiff is not within 27 *Eliz.* 12. § 4. *N.* 1. against the Opinion of *Twisden* Justice, on motion of the now Sargent *Bigland* in Arrest of Judgment.

VI. *Lambert* 386. This *Custos Rotulorum* hath credit by 11 *H.* 7. 15. § *N.* to appoint two Justices of the Peace that may controll the Sheriffs Books, *Dalt.* 132. cap. 51. And by 27 *Eliz.* 12. § 2. *N.* 1. for taking the Oath of the Under-Sheriff.

VII. *Lambert.* 425, 426, 427, 428, 429. Enquiry in Sessions if any Sheriff have letten his County, or any his Balywicks, Hundreds or Wapen-takes.

2. Or have Retorned in any Pannels any Bayliffs, Officers, or their Servants

3. Or have refused to let to Bail upon sufficient Sureties any Person being in his Custody, because of any Action Personal; or because of Endictment in Trespass, and not being in for any Condemnation, Execution, Ut-lary, Excommunication, Surety of the Peace, or Commandment of any Justice, or for being a Vagabond.

4. Or have taken any Obligation by Colour of his Office, but only to himself, and upon the Name of his Office, and upon Condition only to appear according to the Writ or Warrant,

5. Or have taken for an Arrest above 20 *d.* or if he or any other Minister, have taken any thing for making of any Retorn or Pannel, or above 4 *d.* for the Copy of a Pannel, or above 4 *d.* for the said Obligation, or for any Warrant or Precept, or any Bayliff above 4 *d.* for making any Arrest; or the Goaler above 4 *d.* upon the committing to his Ward of any Person Arrested or Attached, 23 *H.* 6. 10.

6. If any Sheriff, or other his Minister, have Arrested or Imprisoned, or caused any Fine or Ranfom or Amerciament to be levyed of any Person, by reason of any Endictment, or Presentment made by the Sheriff, Turn or Law-day, without Process from the Justices of Peace for the same first obtained, 1 *Ed.* 4. 2. § 1. *N.* 5. *Lambert* 513.

7. Or have not brought in such Endictments and Presentments to the Justices of the Peace at their next Sessions 1 *Ed.* 4. 2. § 1. *N.* 4.

8. If any Sheriff, or any his Ministers, have entred into his Books any Plaints in any Mans Name, not being present in the Court, either in his own Person, or by sufficient and honest Attorney or Deputy; or have entred any more Plaints than the Plaintiff supposeth that he hath cause of Action for; or have levyed the Shire Amerciaments without Book indented between them and two Justices of the Peace 11 *H.* 7. 15. § *N.* *Dalt.* 133. cap. 51.

9. Or if the Bayliff of the Hundred have made default in warning or Executing any Warrant against any Defendant in the Sheriffs Court, *Dalt.* 133. (bis) cap. 51. 11 *H.* 7. 15. § *N.*

10. If any Sheriff or his Minister have levyed any the Debts of the King without shewing to the Parties the Estreats of the same under the Seal of the Exchequer 42 *Ed.* 3. 9. § *N.* and 7. *H.* 4. 3. § *N.*

11. If the Sheriff of this Shire, or any other Person, to whom it appertained to make Retorn of any Writ, hath retorned any Juror without the true Addition at the Place of his abode at the time of that Retorn, or within a year next before, or without some other Addition by which the Juror might well be known 27 *Eliz.* 7. § *N.*

12. If any Estreat of Issues hath been gathered of any Person, other than such as by virtue of the said Estreat was of right chargeable or charged therewith 27 *Eliz.* 7.

13. If any Under-Sheriff, or other of the said Persons named 27 *Eliz.* 12 hath committed any Act contrary to the said Oaths.

14. If any Sheriff or Goaler have denyed to receive Felons by the delivery of any Constable or Townshps, or have taken any thing for receiving of such, 4 *Ed.* 3. 10. § N.

*Ships, Seamen, Shipwright, see Admirals*

*Silk, see Drapery.*

*Silver, see Metal.*

*Skimmers, see Leather.*

### Slander.

### Libels, Words, Rumors, News.

I. *C.O. Inst.* 3. 198. *cap.* 93. The Law before the Conquest was, that the Author and spreader of false Rumors amongst the People, had his Tongue cut out, if he redeemed it not by the Estimation of his Head, *Inter Leges Alveredi. cap.* 28.

II. *Grompt.* 84 b. 85. Enquiry in Sessions if any one hath published or forged false News or Controversies, (*viz.* Tales) whereby Discord or Slander may arise between the King and his People, or between the Nobles of the Realm, the Offender shall be Imprisoned untill he can produce in Court the Author of such News, 3 *Ed.* 1. *W.* 1. *cap.* 33. (34.) and 1 and 2 *Ph. & Mar.* 3. § 2. N. 2.

2. If any one hath forged or Counterfeited any false News, and horrible false Lies of any Prelates, Dukes, Earls, Barons, or other Nobles, and great Men of the Realm, or of the Chancellor, Treasurer, Clerk of the Privy Seal, Steward of the Kings Household, Justices of the one Bench, or of the other, or of any great Officer of the Realm, of things that by them were never spoken, nor thought, to their great slander, whereupon debate and discord may rise between the said Lords and Commons, they shall be punished according to 3 *Ed.* 1. *W.* 1. *cap.* 34 (33.) untill they have brought into Court the Author of the said false News and Lies, by 2 *Rich.* 2. 5. & 1 & 2 *Ph. & Mar.* 3. § 2 N. 2.

3. If the Forgers and Counterfeiters of false News, &c. mentioned in 3 *Ed.* 1. *W.* 1. *cap.* 34 (33) and 2 *R.* 2. 5. cannot bring into Court the Author of such false News, then they shall be punished by advice of the Kings Council, 12 *Rich.* 2. 11. § 1. N. 3.

4. Slandrous words of the King shall be punished by Fine and Imprisonment on 3 *Ed.* 1. *W.* 1. 34. (33) and not by advice of the Privy Counsel, on 12 *Rich.* 2. 11. for the King is a Person exempt, and not implied within the words, *Great Men or Nobles* &c. *Oldnols Case*, 4 & 5 *Ph. & Mar.* *Dyer* 155.

III. *Poult. de Pace* 1 b. There is another foul puddle that ouzeth from the same corrupt Gogmire with Menaces, and distilleth out of a heart likewise infected with Malice and Eavy, but is devised and practised by another mean than the former, which is by Libelling, secret slandering, or defaming of another &c.



2. And whether this Libelling, secret Slandering, or defaming be against a Publick Magistrate, or Private Person, yet it may tend to the breach of the Peace, to the raising of quarrels and effusion of Blood, and so may be a special impediment of that Peace, which all good Policy endeavoureth to maintain, 5 Co. 125 lib. intr. 13. Hob. 354.

IV. *Crompt.* 197. Every Justice of Peace within a Month after the Offence, may commit any one that is vehemently suspected to speak or report Slanderous News or Tales against the Queen that now is, if he do not find Sureties to appear at the next Quarter-Sessions or Goal-delivery, there to remain till he will find Surety, ut *supra*, 23 Eliz. 2.

V. *West. Symb.* 2 part 129. *sect.* 200. An Indictment for words spoken against the Queen, on 23 Eliz. 1.

*Glos. ff.* Juratores pro Domina Regina super Sacrament' suum presentant quod intra tres Menses jam ultimo Elapsos, viz. 2 die Mensis Octobr. Anno Regni Dominae nostrae Eliz. 35. G. P. de A. in Com. G. predict' Laborer, in Domo Mansionali cujusdam R. S. infra Parochiam de A. predict' in Com. G. predict' ac in presentia multorum dictae Dominae Reginae subditorum fide Dignorum tunc ibidem existentium consulto deliberate ac cum maliciosa intentione adversus dictam Dominam nostram nunc ex imaginatione ipsius G. P. propria hæc falsa ficta seditiosa & scandalosa dicta ad scandalum & defamationem dictae Dominae Reginae nostrae tunc & ibidem locutus est in his Anglicanis verbis sequentibus scil. (*reciting the words*, &c.) in magnum dictae Dominae Reginae nostrae nunc contemptum ac contra Pacem Coronam & Dignitatem suas necnon contra formam Statuti in Parliament' dictae Dominae nostrae nuper tent' apud Westm' in Com. Middlesex Anno Regni sui, 22. &c.

VI. *West Symbol.* 2 part 129. *sect.* 201. An Indictment for Slandering of a Noble-man.

*Derby ff.* Inquiratur pro Domina Regina si R. B. nuper de C. in Com. D. predict' Yeoman, Deum præ oculis suis non habens, sed instigatione Diabolica seduct' ac ligeantiam suam erga dictam Dominam nunc Elizab. Dei Gratia, &c. parvi pendens ac leges & Statuta hujus Regni Angliae minime, estimans nec penam in eisdem content' aliquid verens 16. die Maij Anno Regni Dominae Elizab. &c. apud M. in Com. D. predict' malitiose ex imaginatione sua propria hæc falsa & scandalosa verba ac rumores de magnatibus & proceribus hujus Regni Angliae subsequenter prolocutus est viz. that, &c. Quæ quidem omnia quamquam falsa fuit ut vera retulit & multa alia verba scandalosa ad tunc & ibidem dixit & propalavit contra pacem dictae Dominae Reginae nunc Coronam & Dignitatem suas & formam diversorum Statutorum inde nuper editorum & provisorum, *Crompt.* 259 b. pl. 90.

VII. *West Symb.* 2 part. 141. *sect.* 256. An Indictment for words of the Queen.

*Essex ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod J. S. nuper de W. in Com. predict' Laborer, Deum præ oculis suis non habens sed Instigatione Diabolica seduct' 5 Die &c. Anno &c. apud M. in Com. predict' Narravit & publicavit de dicta Domina Regina nunc hæc falsa seditiosa & scandalosa verba Anglicana sequent', viz. *That the Queen hath had by the Lord R. D.* (innuendo R. D. prenobilis ordinis Garcerij Militem) *two or three Children*, contra legiantiae suae debitum in magnum scandalum & contempt' dictae Dominae Reginae nunc Coronam & Dignitat' suas & contra formam Statuti, &c.

VIII.

VIII. *West. Symb. 2 part 148. Sect. 309.* An Endictment of hearing words of one, and not publishing them to Sheriff, &c. of the Queen.

*Norff* ff. Inquiratur pro Domina Regina, si *W. J. de S. in Com. N.* predict' Clericus, 10 die, &c. Anno &c. apud *W. in Com.* predict' Deum præ oculis suis non habens & ligeantiam debitam minime ponderans falso & proditorie ut falsus Proditor, & Inimicus ipsius Domine Regine dict' Die & Anno apud *N. predict' coram A. B. & C. D. de E. in Com.* predict' Yeoman, obstinate & malitiose dixit & propagavit hæc verba sequentia in Anglicanis verbis (*A vengeance on the Queen, and of such false Counsel*) tam contra Ligeantiam ac Pacem Domine Regine quam contra formam Statuti in hujusmodi casu edit' & provis. & sic predict' *A. B. & C. D.* sciens predict' *J.* dicta verba proditorie locut' fuisse, falso & proditorie contra ligeantiam suam debitum concealavit & secretè custodivit contra Pacem Domine Regine & contra formam Statut' in hujusmodi casu edit' & provis. usque ad 1 Diem Martij Anno &c. quod dicti *A. B. & C. D.* dicta verba sic proditorie per predict' *J.* loquuntur coram *J. S.* Milite Vicecom' Comitatus predict' ac *R. S.* Gen' retulerunt & ostenderunt.

IX. *West Symb. 2 part 153 b. Sect. 326.* An Indictment for slandering of a Jury.

*Essex* ff. Juratores Dant Curie hic intelligi quod cum ipsi 10. Die Martij, Anno &c. Apud *S. in Com.* predict' cuncti fuerunt ad inquirend' in & interloquend' de diversis Articulis & Offensis super eorum Sacrament' pro dicto Domino Rege ibidem dicto 10. die, &c. Anno &c. supradict' venit quidem *T. B. de S. in Com.* predict' ut Barrattor & Pacis Domini Regis perturbator, & predict' Juratores vili pendit & scandalizavit dicend' sic in his Anglicanis verbis, *Fie on you false Varlets, pampersd Knaves, and perjured Knaves,* & alia minatoria & contumeliosa verba ejusd' Jurator' dixit in magnam redarguationem & vilipendent' Juratorum predict' ac retardationem Execution' eorum Jurament' & contra Pacem &c.

X. *Pract. Precedents 54. 55.* An Endictment for libelling of a Justice of Peace, *Quere 2 Rich. 2. cap. 5.*

*Middlesex* ff. Juratores pro Domino Rege super Sacrament' suum presentant quod cum 10. die Febr. Anno Regni &c. apud *G. in Com.* predict' Goala dicti Domini Regis castri sui de *G.* ad Generalem Sessionem Pacis tent' ad tunc & ibidem coram *A. B.* Milite *C. D.* Armigero & alijs Socijs suis Justiciarijs dicti Domini Regis ad Pacem in Com. predict' conservand' necnon ad diversas Felonias, Transgressiones, & alia Malefacta in eodem perpetrat' Audiend' & terminand' assignat' de quibusdam Prisonarijs in eadem Goala ad tunc existent' & coram eisdem Justiciariis ad tunc & ibidem indictat' ritè justè & secundum leges & consuetud' hujus Regni *Angl.* deliberat' fuit, quidam tamen *T. R.* nuper de *S. in Com.* predict' Yeoman, premissorum non ignarus sed machinans & intendens predict' Justiciar' in magnum Scandalium & infamiam inducere, Postea scil. 13. die Martij Anno Regni &c. apud *G.* predict' in Com. predict' malitiose quendam famosum libellum *Angl.* vocat' a Libel, in scriptis ad defamationem Justiciar' predict' edidit & publicavit continent' inter inter alia hæc falsa & scandalosa verba sequentia.

All the poor Captains which yet alive do remain,  
 Pray that the Judges of the Land their Causes do retain:  
 For they do bring with them both Judgment and Mercy mingled together,  
 And will not hang four for stealing a Wether.

Innuendo predictos Justiciar' ad predict' Sessionem & Goale deliberationem injuste & Crudeliter abjudicasse & mandasse quatuor Prisonarum de Prisona predict' per collum suspendi quousque &c. pro suratione *Angl' for stealing* unius Ovis, ubi revera Justiciarij predict' ad predict' Sessionem & Goale predict' deliberationem non adjudicaverunt nec mandaverunt quatuor Prisonarum de Prison' predict' per collum suspendi pro suratione unius Ovis contra Pacem dicti Domini Regis Coronam & Dignitatem suas, necnon contra formam Statut' in hujusmodi Casu edit', & provisi.

*Smoak-mony*, see *Taxes*.

*Soap*, see *Measures*, *Merchants*.

*Souldiers*, see *War*.

*Spinsters*, see *Drapery*.

*Stabbing*, see *Coron*.

*Star-Chamber*, see *Riots*.

*Statutes*, see *Parliament*.

*Stealing*, see *Coron*.

*Stewards*, see *Leet*, *Justices*.

*Stock*, see *Poor*, *Account*, *Taxes*,

*Stocks*, see *Imprisonment*.

*Stolen Goods*, see *Coron*, *Chattels*.

*Strays*, see *Coron*, *Chattels*.

*Striking*, see *Affray*.

*Strangers*, see *Alien*.

*Submission*, see *Pope*.

*Subornation*, see *Proof*, *Oath*.

*Subpena*, see *Process*.

*Subsidy*, see *Taxes*.

*Suggestion and Suits*, see *Information*, and *Action*  
*jur Stat.*

*Supremacy*, see *Pope*, *Oath*.

*Summons*, see *Process*.

*Sunday*, see *Days*, *Religion*.

*Supplicavit*, see *Peace*.

*Supervisors*, see *Poor*, *Ways*.

E e e e e

Su-



## Superfedeas.

## Release.

I. **L** *Ambert* 65. Yea, by good Opinion 2 *H.7.* 1. a *Superfedeas* of the Peace, made by one Justice of the Peace under his Seal, being brought into the Sessions, is a sufficient Record to prove that there is a Recognizance of the Peace taken by the same Justice, and it is Warrant enough to call the Party bound thereupon; and if he makes default, to Record the same, *infra.*

II. *Lambert* 95, 96, 97, 98, 99. Hereupon also it hapneth often that such Persons as break the Peace, chusing rather to be bound by any other Justice than by him that maketh the Warrant, do offer themselves and do become bound before some other Justice, and do withal procure a *Superfedeas* from him to be discharged of any other Arrest to be made upon them, *Crompt.* 138 b. pl. 9.

2. Yea, and many times hearing of such Precepts for the Peace, and misliking to be bound in the Country, they go up to *Westminster*, and give Surety of the Peace there, either in *B. R.* for a time only, as the manner of that Court is, or in the *Chancery* for ever, or for a time, as they use it, and do thereupon procure a *Superfedeas* from the Court where they are bound to close the hands of the Country Justices, &c. *Dalt.* 168, cap. 69.

3. If therefore a Justice of Peace will by a *Superfedeas* Discharge a Precept for the Peace Awarded by his fellow Justice, by vertue of his Office, and not by force of a *Supplicavit*, which is of a higher nature, and cannot be so Avoyded, then shall he do well to take the Recognizance after the self same sort in all points, as the form of the Precept, *Tis peace* 24. doth require, *Crompt.* 138 b. pl. 9.

4. But this *Superfedeas* sent by a Justice of Peace, is sufficient, although it neither name the Sureties, nor contain the Sums in which they are bound yet is it the better form to expresse them both, as well because the higher Courts use so to do, as also that if the Bayliff, Constable, or other Officer to whom it is delivered, be called at the next Sessions by the Suit of him that sought to have the Peace, to shew how he hath Executed his Warrant, and do come in and shew forth the *superfedeas*, then the Party that is bound may be called thereupon at the day that he appeareth to be limited unto him by the *Superfedeas*, for it is under the Seal of a Justice, and doth testifie that the Party is bound, and hath found Surety to appear at a certain day, *supra*, *Dalt.* 168. pl. 69.

And if he make default, that being recorded, shall be sufficient to cause him to forfeit the Penalty of the Recognizance, although the Justice that Awarded it shall omit to bring in the Recognizance it self, according as he ought now to do by the Statute 3 *H. 7.* § 1. *N. 26.* and this may be gathered upon the Opinion 2 *H. 7.* 1. and may also be seen by this form of the *Superfedeas* here under written *Dalt.* 365. cap. 122.

5. *W. S.* Esquire, one of the Justices of the Peace of our Sovereign Lord the King within the County of *Kent*, to the Sheriff, Bayliffs, Constables, Borsoulders, and other the faithful Ministers and Subjects of our said Sovereign Lord within the said County, and to every

of

of them sendeth Greeting; forasmuch as *A. B.* of *Sc.* Yeoman, hath personally come before me at *A. Sc.* hath found sufficient Surety, that is to say, *E. D. & E. F. Sc.* Yeomen, either of the which hath undertaken for the said *A. B.* under the pain of 20 *l.* and he the said *A. B.* hath undertaken for himself under the pain of 40 *l.* that he the said *A. B.* shall well and truly keep the Peace towards our said Sovereign Lord, and all his Liege People, and specially towards *G. H. Sc.* Yeoman, and also that he shall personally appear before the Justices of the Peace of our said Sovereign Lord within the said County, at the next General Sessions of the Peace to be holden at *M.* there, Therefore on the behalf of our said Sovereign Lord, I command you, and every of you, that ye utterly forbear and Surcease to Arrest, take, Imprison, or otherwise by any means for the said occasion, to molest the said *A. B.* and if you have for the said occasion and for none other taken or Imprisoned him, that then you do cause him to be delivered and set at liberty without further delay. Given at *A.* aforesaid, under my Seal this last day of *July Sc.* *Dalt. 364. cap. 121. Crompt. 2, 6. pl. 15.*

6. This *Superfedeas* may also be in the name of the King, under the Teste of the Justice of Peace, thus: *Charles* the Second by the Grace of God, *Sc.* to the Sheriff, *Sc.* Greeting; Forasmuch as *A. B.* hath come before *T. F.* Knight, one of our Justices of Peace within our said County, and hath found *Sc.* we therefore command you, and every of you, that ye forbear *Sc.* Witness the said *T. F. Sc.*

7. Thus much of the *Superfedeas* issuing from a Justice of the Peace, the which ought to withhold and stay the proceedings of his fellow Justice in the said cause, inasmuch, that if any Officer by any of their Warrants, having this *Superfedeas* delivered unto him, will nevertheless urge the Party to find new Surety for the Peace, he may refuse to give it, and if he be committed to Prison, for such his refusal, he may, as I think, have his Action of false Imprisonment against the Officer upon the same, *Dalt. 168. cap. 69.*

8. I read 21 *Ed. 4. 40.* that a *Superfedeas*, proceeding out of the Chancery, will discharge a Surety of the Peace taken before the Justices in *B. R.* much more then will a *Superfedeas* sent out of the Chancery, or *B. R.* discharge a Precept for the Peace that is Awarded from an Inferior Justice of the Peace; and if a Justice of the Peace to whom a *Superfedeas* out of such high Court shall be delivered, will not thereupon Surcease, an Attachment may be awarded against him for his contempt, and he may be Imprisoned and fined for it, *Crompt. 145 b.*

9. It is good Counsel therefore given *F. N. B. 238.* where he willet the Justice of Peace, after such a *Superfedeas* received, to forbear to make any Warrant to Arrest the Party: And if they have Awarded it, then to make their own *Superfedeas* to the Sheriff, and other Officers, thereby commanding them to Surcease to put it in Execution.

III. *Lambert 123.* And the like imitation (of a Release of the Peace or good Abearing, *Tit. Peace 69.*) may be used also for a *Superfedeas* of the good abearing, if at the least that be grantable by the Justices of the Peace, *Dalt. 366. cap. 122. infra.*

IV. *Lambert 112, 113.* Furthermore, if a Man be bound before a Justice of the Peace to keep the Peace against all the Kings People, and to appear at the next Quarter-Sessions, and do afterwards procure a *Superfedeas* out of the Chancery, testifying that he hath found Surety there against all the Kings People for ever, this will Discharge his Appearance at the Sessions, because the granting of this *Superfedeas* is the Act of the King, which is the Fountain of Justice, and controlleth all other derived Authorities, *Fitzb. 9. Dalt. 169. cap. 69. Crompt. 139. § 12.*

2. But if that *Superfedeas* should testify that he hath found Surety in the *Chancery* only, untill a certain day, which day is after those Sessions, then, Mr. *Fitzh.* thinketh that his Appearance at the Sessions shall not be discharged by the *Superfedeas*, *Crompt.* 139. *pl.* 4. 10:11.

3. In both these Cases also, I would advise the Justice of Peace to send in as well the Recognizance as the *Superfedeas*, if it come to his hands, for peradventure the Recognizance was broken before the *Superfedeas* purchased; or if it were not, yet he shall be excused, and the Recognizor never a whit the more endangered thereby.

V. *Lambert* 157, 158. It is, I know, the Opinion of *Marrow* (that the Sessions on death of that Justice that enquired of forcible Entry, *Br.* 27. may grant restitution) grounding himself upon the same equity by which the Justices of *B. R.* are enabled to do it, howbeit it may appear, *Dyer* 187. *pl.* that the Law is otherwise taken both therein, and also in the granting of a *Superfedeas* to stay the Restitution, because no Justices can do the one or the other, but they only that were present at the Session when the Endictment was found, except those of *B. R.* who for the supposed presence of the King, do carry a supreme Authority in these Cases of the Crown.

VI. *Lambert* 378. Yea if two Justices, *Quorum unus*, make a Precept for a Sessions of the Peace, all their fellow Justices cannot discharge it by their *Superfedeas*, but a *Superfedeas* out of the *Chancery* will discharge it, saith *Fitzh.*

VII. *Lambert* 518, 519. But yet you must presuppose that all this process of Utlary may be staid by a *Superfedeas*.

2. And *F. N. B.* 237. hath the Case, that if an *Exigent* go out upon an Endictment of Trespas found before Justices of the Peace, the Party may find Sureties in the *Chancery*, Body for Body, to appear at the day of the Writ, and may then also have a *Superfedeas* thence to the Sheriff, commanding him to forbear to take him, and to let him go if he then have already taken him for that cause, *Crompt.* 145. *pl.* 10. 11.

3. And again, *libr. Intr.* 546. you may see the Process upon such an Endictment of Trespas staid by *Superfedeas*, Issuing from one Justice of the Peace alone, and testifying that the Party came before him, and found Surety, *de fine assidendo*, *Crompt.* 145. *pl.* 8. *Dalt.* 366. *cap.* 122.

4. But as I believe *F. N. B.* 237. so will I not perswade the practice of *libr. Intr.* 546. because I think it not in the lawfull Power of any one Justice of the Peace to Award any such Warrant, but that it must be done by two Justices at the least, the one being of the *Quorum* also, as the Commission now standeth, *Dalt.* 366. *cap.* 122.

VIII. *Crompt.* 138. *pl.* 10. But it seemeth that another Justice cannot Discharge Precept to the Sheriff, for the Peace made by another, and give another day to the Party to appear at any other Sessions than is exprest in the same Precept, because one Justice hath no more Authority than another, and this Warrant or Precept is a matter of Record, which cannot be discharged by another Justice, *Crompt.* 122. *pl.* 133.

IX. *Crompt.* 138, 139 *pl.* 11. And if a Man be obliged by Recognizance before any Justice of Peace to keep the Peace against all the Kings Lieges, and to appear at the next General Sessions in the same County, now another Justice of Peace cannot grant a *Superfedeas* that he shall appear at any other Sessions, and not at that Sessions to which he is obliged by Recognizance to appear, because he cannot discharge that Recognizance for taken by the other Justice, and the Justice is bound by 3 *H. 7.* 1. § 1. N. 26.



N. 26. to certify the Recognizance at the next Session, and the Party shall be called thereon, *Fitzb.* 8. but *Nota*, there is no Penalty to the Justice if he doth not certify by the said Statute.

X. *Crompt.* 144. 145. pl. 1. If a *Supplicavit* be Awarded out of the *Chancery* against one to find Surety of the Peace in the County, and the Party cannot travel because of infirmity, or otherwise will not travel himself to the *Chancery*, he may find Surety there to keep the Peace, and shall have a *Superfedeas* in the County, and in this Writ it shall be sent to the Justices to take Surety of the Party himself, and by this means his Travel may be saved; see *F. N. B.* 81. like matter, and *Dalt.* 168. and 169. cap. 69.

2. A Man hath a *Supplicavit* of the Peace out of the *Chancery* to bind *A. B.* to the Peace, and to certify the Recognizance in *Chancery* without delay; now if *A. B.* be taken he shall be bound to the Peace for ever, for it is not contained that he shall bind himself to keep the Peace untill a certain time, but generally, (*Crompt.* 242 b.) therefore to prevent this *A. B.* before he is attacht, must bind himself in the *Chancery* untill a certain day, and shall have a *Superfedeas* into the County to the Justice and Sheriff to cease to compel *A. B.* to find Surety upon the said Writ of *Supplicavit*.

3. A Man found Surety of the Peace in *C. B.* untill certain day, and then to appear there, before which day a *Superfedeas* out of the *Kings Bench* came to the Justices of *C. B.* and it was allowed; and this Writ made mention of the Peace found in *B. R.* which see *Libr. Intr.* 416 and *Trin.* 2 H. 8. Rot. 118. 22. H. 6. 66.

4. One Justice of Peace cannot by *Superfedeas* discharge a Precept of another Justice Awarded to find Surety to the Peace, before he is bound in *Fa.*

XI. *Crompt.* 145 b. 146. When a Man is taken at the Kings Suit, a *Superfedeas* lyeth not, by *Babbington*, and the whole Court, 9 H. 6. 44. and by him if he be taken for a Fine Recorded upon an Indictment of Trespas, he shall not have a *Superfedeas*.

XII. *Dalt.* 168. cap. 69. Also a Justice of Peace of the County by a *Superfedeas* cannot Discharge a Warrant Awarded by his fellow Justice, by force of a *Supplicavit* to him directed out of the *Chancery* or *Kings Bench*, to take Surety of the Peace of one resident in that County.

XIII. *Dalt.* 170. cap. 69. All Writs of *Superfedeas* to be granted by, or out of either of the said Courts of *Chancery*, or *B. R.* shall be void, unless such Process be granted upon motion in open Court, and upon such sufficient Sureties as shall appear unto the Court upon Oath to be assessed at 5 l. Lands, or 10 l. in Goods in the Subsidy Book at the least, &c. and unless it shall also appear first unto the said Court, that the Process of Peace or Good-behaviour is prosecuted against him or them desiring such *Superfedeas*, *bona fide*, by some Party grieved in that Court, out of which such *Superfedeas* is desired, to be so Awarded and directed.

XIV. *Dalt.* 365, 366, 367, 368. cap. 122. Another *Superfedeas* of the Peace.

O. G. Sacre Theol' Doctor, &c. unus Justiciar' Domini Regis &c. omnibus Ballivis & Ministris Domini Regis infra Com. predict' & eorum' cui-libet salutem, Quia *A. B.* & *C. D.* coram me personaliter constitut' Manuceperunt pro *J. S.* sub pena 40 l. quas concesserunt & uterque eorum pro se pro toto & in solido concessit ad opus dicti Domini Regis levare si damnum vel

vel malum aliquid *W. T.* eveniat de corpore suo, &c. per dictum *J. S.* vel per procuratorem suum quovismodo vobis & cuilibet vestrum ex parte Domini Regis mando quod captione Corporis ejusdem *J. S.* quocunque modo censetur pretextu alicujus sive Warranti vobis seu alicui vestrum in hac parte direct' seu dirigend' supersedeatis & sine dilatione deliberari facias, Datum &c.

Another of good-abearing.

2. *H. B.* unus Justiciar' Domini Regis &c. Vicecom' &c. salutem; Quia *J. S.* sufficient' securitat' de Pace & de bono Gestu suo erga Dominum Regem & precipue erga *W. T.* coram me invenit, ideo ex parte dicti Domini Regis vobis & cuilibet vestrum mando & precipio firmiter injungens quod de ipso *J. S.* pro hujusmodi securitate Pacis inveniend' capiend' sive Arrestand. omnino Superfedeatis, & si ipsum *J. S.* ea occasione ceperitis sive Imprisonaveritis tunc eum deliberari facias si ipsum ea occasione & non alia detineatur, Teste, &c.

3, If the Prisoner be in the Goal, see another form, *Dalt.* 389. 390. cap. 127. and *Dalt.* 368. cap. 122.

*F. B.* Armiger unus Justiciar' &c. Vicecom' seu Custod' Goalæ &c. Quia *J. S.* in Prifona Domini Regis in Custodia tua existent' ad sectam cujusdam *A. L.* de se bene Gerend' (vel pro pace Gerend') erga Dominum Regem & cunctum Populum suum & precipue erga predict' *A. S.* invenit coram me sufficient' securitat' (vel quatuor Manuceptores) scil' *A. B. C. D. E. F. & G. H.* &c. qui manuceperunt pro predict' *J. S.* quod ipse *J. S.* non inferret nec, Inferri procurabit per se nec per alios eidem *A. S.* seu alicui de Populo dicti Domini Regis aliquid' Damnum seu Gravamen de corpore suo per Minas, insidias, Insultum seu aliquo alio modo quod in lesionem seu perturbationem pacis Domini Regis sedere valeat Quovismodo viz. quilibet eorum manuceptorum sub plena 20 *l.* ideo ex parte dicti Domini Regis tibi mando quod predict' *J. S.* in Prifona Domini Regis in Custodia tua ea occasione & non alia existent' indilatè deliberari facias, *Dalt.* &c.

4. Note, that upon good Sureties taken for the Good-behaviour, a *Superfedeas* of the Goodbehaviour may be granted as for the Peace, *mutatis mutandis*, *supra*.

5. Note also, that a *Superfedeas de capias Indictatum de transgressione*, and so of an *Exigent* may be granted by the Justices of Peace out of Sessions, for otherwise it were mischievous, for the Party as well by reason of his Imprisonment, as also for that he may be outlawed before the Sessions, if the Justice of Peace might not take Sureties of him for his Appearance, and all is but to appear to Answer to the Indictment.

6. *Crompt.* 138. pl. 9. is of Opinion, That these *Superfedeas* may be granted by any one Justice of Peace, with whom agreeth *Lib. Int.* 546. *supra*. But *Lambert* 519. *supra*. thinketh it not in the Lawful Power of any one Justice of Peace to grant such *Superfedeas* at this day, but that it must be done by two Justices at the least, and the one being of the *Quorum*: Nevertheless for that I find the old Precedents to run in the name of one Justice, of the Peace alone, I have drawn these accordingly, perswading notwithstanding the joyning of two Justices herein, and the one of the *Quorum*, if they may Conveniently.

7. A *Supersedeas de Capias Indictatum de Transgression*, *Crompt.* 233  
b. pl. 8. *Lamb. Precedents.* 24. pl. 67.

*Cantabr. ff. A. E. Sacre Theol' D.* unus Justiciar' Domini Regis, nunc ad Pacem in Com. predict' conservand' necnon ad divers' Felonias Transgr' &c. in eodem Comitatu Audiend' & terminand' assignat' Vicecom' Comitatu predict' Salutem; Quia C. D. de A in Com. tuo Yeoman, venit coram me & invenit sufficientes manucap' essendi coram Justiciar' dicti Domini Regis ad Pacem in Com. predict' conservand' necnon ad divers' felon' &c. in dict' Comitatu Audiend' & Terminand' assignat' ad generalem Sessionem Pacis apud C. in Com. predict' proxim' die tenend' ad respondend' dicto Domino Regi de quibusd' transgr' contempt' & offensis unde indictat' existit, ideo ex parte dicti Domini Regis tibi precipimus quod de capiend' prefat' C. D. seu ipsum Imprisonand' aut eum ea ex causa aliquo modo molestand' omnino supersed' & si eum ea ex causa & non alia ceperitis tunc ipsum sine dilatione deliberari facias, Teste me, &c.

XV. *Crompt.* 234. A *Supersedeas* of a *Capias Indictat'*, and so of an *Exigent* by one Justice of Peace made out of Court, are good, for otherwise there would be a mischief for the Imprisonment, and he may be Utlawed before the Sessions, if one Justice of Peace cannot bind him to appear, and all is but to appear to answer to the Indictment, *supra.*

2. Two Justices of Peace out of Sessions may Award a *Supersedeas* upon a Writ of Restitution upon 8 H. 6. 9. § N. Awarded at the general Sessions, because the Indictment was insufficient in Law, but without special cause they cannot, &c. *Quere* of this last.

3. It is said that one Justice of Peace cannot Award a *Capias* nor other Process, but there must be two Justices at the least, and this *Sedente Curia in Sessionibus & non contra*, *Peace Br.* 6.

XVI. *Crompt.* 234. pl. 9. *Supersedeas de Capiendo Indictat' de Transgr'* Quia invenit plegios pro fine extra Sessiones: *Dalt.* 367. cap. 122.

*Staff. ff. R. B.* Miles, Magister Rotulorum Cancellar' Domini Regis nunc, ac unus Justiciar' dicti Domini Regis ad Pacem in Com. predict' conservand' necnon ad divers' Felonias Transgr' & alia malefact' in eodem Comitatu audiend' & terminand' assignat' Vicecom' Comitatu predict' ac omnibus & singulis Ballivis Constabular' ceterisque dicti Domini Regis Ministr' tam infra Libertat' quam extra in Com. predict' Salutem; Licet nuper per Breve dicti Domini Regis vobis seu uni vestrum precept' fuit quod caperetis seu unus vestrum caperet A. B. de S. in Com. predict' Yeoman, si invent' fuerit in eodem & ad ipsum salvo Custodiend', Ita quod haberetis seu unus vestrum haberet corpus ejus coram Custodibus Pacis ac Justiciar' dicti Domini Regis ad Pacem in Com. predict' necnon ad divers' felon' transgr' & alia malefact' in eodem Comitatu Audiend' & terminand' assignat' apud Staff' Die &c. ad respondend' dict' Domino Regi de divers' contempt' & transgr' unde coram dictis Justiciar' indictat' existit quia modo predict' A. B. venit coram me & invenit sufficient' plegios pro Fine suo cum dict' Domino Rege pro premissis faciend' ideo ex parte dicti Domini Regis vobis conjunctim & divisim mando quod ad Executionem Brevis predict' ulterius faciend' supersedeatis omnino & si ipsum A. B. ea occasione & non alia ceperitis & in prisona dicti Domini Regis detinueritis tunc ipsum sine dilatione ab eadem deliberari faciatis seu unus vestrum habeat hoc preceptum ad Sessiones predict' Dat. 20. die Julij Anno Regni dicti Domini nostri Jac. Dei Gratia, &c.

XVII.



XVII. *Crompt.* 134. 235. *pl.* 11. *Supersedeas* de Capias pro Fine, *Dalt.* 367. *cap.* 122.

*Staff.* *J.* R. E. Miles, unus Justiciar' Domini Regis nunc ad Pacem in Com. predict' conservand' assignat' Vicecom' Com. predict' Salutem; Quia C. D. de A. in dicto Comitatu Yeoman, venit coram me & invenit sufficientes manucapti' essendi ad proximam generalem Sessionem Pacis in Com. predict' tenend' ad faciend' finem cum dicto Domino Rege pro quibusd' transgr' contempt' & offensis unde indictat' existit, ideo ex parte dicti Domini Regis tibi precipio quod de capiend' prefat' C. D. Imprisonand' seu ipsum ea occasione aliquantulum molestand' omnino supersedeatis, & habeas ibi tunc hoc Precept', Teste me prefat' R. E. 10. Die *Augusti*, Anno Regni, &c.

XVIII. *Crompt.* 235. *pl.* 13. *Supersedeas* de Capias indictat' de feloniam, &c. *Dalt.* 367. *cap.* 122.

*Staff.* *J.* T. G. Armig' unus Justiciar' Domini Regis nunc ad Pacem in Com. predict' conservand' assignat' Vicecom' Com. predict' necnon omnibus & singulis Ballivis Constabular' Caterisque dicti Domini Regis nunc Ministris tam infra Libertates quam in dicto Com. Salutem; Quia A. B. de C. in Com. predict' Husbandman, venit coram me & invenit, sufficient' securitatem essendi coram Justiciar' dicti Domini Regis ad pacem in Com. predict' conservand' necnon, ad divers. felon' transgr' & alia malefact' in eodem Comitatu Audiend' & terminand' assignat' ad proximam generalem Sessionem pacis in Com. predict' tenend' ad respondend' dicto Domino Regi de divers. felon' & transgr' unde coram eis Indictat' existit, ideo ex parte dicti Domini Regis, vobis & cuilibet vestrum mando quod de Capiend' predict' A. B. ea ex causa supersedeatis omnino & si eum ea occasione & non alia Ceperitis seu Imprisonaveritis tunc ipsam sine dilatione deliberari facias, Dat' 10. die *Junij* Anno Regni, &c.

XIX. *Lamb. Precedents* 24. *pl.* 68. A *Supersedeas* to stay the *exigi facias* upon an Indictment of Felony, *Dalt.* 368. *cap.* 122.

*Kent.* *J.* Carolus secundus Dei Gratia &c. Vicecom' Com. Kanc' Salutem; Quia A. B. de C. in dicto comitatu tuo Yeoman, Venit in curiam nostram apud M. 5. Die *Julij* Anno Regni &c. coram H. C. Milite & socijs suis Custodibus pacis nostræ necnon Justiciarijs &c. ac se reddidit Prisonæ nostræ occasione quarund' feloniarum unde coram eis Indictatus est & in eadem moretur sicut nobis Constat ( *or thus*, Quia invenit nobis sufficient' manucapti' essendi coram prefatis Justiciarijs ad proximam Generalem Sessionem Pacis in dicto Comitatu tenend' ad respondend' nobis de quibusd' felonijs unde coram eis Indictatus Existit : ) Ideo tibi precipimus quod de ulterius exigendo prefat' A. B. ad aliquem Comitatu tuum vel eum Imprisonand' sive ipsum ea occasione molestando omnino *Supersedeas* & Habeas ibi hoc Breve, Teste prefat' H. C. &c.

2. Some other forms of *Supersedeas* there be in that old Book of the Justices of Peace, Imprinted, proceeding from one of the Justices of the Peace, which I do pretermit, because I see not how they be Warranted at this day.

XX. *Crompt.* 337. b. pl. 20. A *Supersedeas* of the Peace upon a Writ of *Supplicavit* out of the *Chancery* against an *Enfant* who must find Surety to be bound for him, for he himself shall not be bound, *Moin Br.* 14. *Dalt.* 365. c. ip. 122.

*Staff.* ff. E. L. Armiger, unus Justiciar' *Dominæ Reginæ* ad pacem in Com. predict' conservand' assignat' Vicecom' ejusdem Comitatus ac omnibus & singulis Ballivis Constabular' ceterisque dictæ *Dominæ Reginæ* Ministris tam infra libertates quam extra in Com. predict' Salutem; Sciatis quod Breve dict' *Dominæ Reginæ* recepi in hæc verba (*reciting the Supplicavit verbatim*) & quia predict' J. B. & C. A. coram me prefat' E. L. personaliter comparuerunt & predict' J. B. Manucepit pro dicto C. A. qui infra ætatem 21. Annorum Existit' in 20 l. Quas recognovit se debere dictæ *Dominæ Reginæ* ac concessit de terris & tenement' Bonis & Catallis suis ad opus dictæ *Dominæ Reginæ* levand', viz. quod predict' C. A. Damnum seu Malum aliquid alicui de populo dictæ *Dominæ Reginæ* de Corpore suo vel de incendio Domorum suarum non faciet nec fieri procurabit quovismodo: Ideo ex parte dictæ *Dominæ Reginæ* vobis & cuilibet vestrum mando quod de Arrestand' attachiand' dict' C. A. inveniend' aliquam securitatem pacis per ipsum Gerend' erga dict' *Dominam Reginam* & cunctum populum suum seu alicui de eodem populo suo coram vobis seu aliquo vestrum iterum inveniend' *Supersedeatis* seu *Supersederi* faciatis omnino & si ipsum C. A. ea occasione & non alia Ceperitis seu Capi Manderitis & in Prisona ipsius *Dominæ Reginæ* sub Custodia vestra detinueritis tunc ipsum a Prisona illa in qua sic detinetur sine dilatione deliberari faciatis seu unus vestrum deliberari faciat, Teste me prefat' E. L. 20. Die Maij Anno Regni, &c. 35.

*Surety*, see *Bail*, *Recognizance*.

*Suspition*, see *Coron*, *Intendment*.

*Surplusage*, see *Account*.

*Swans*, see *Fowl*.

*Swearing*, see *Oath*.

*Tales*, see *Slander*.

*Tales*, see *Enquest*.

*Tanners*, see *Leather*.

*Taverns*, see *Wine*.

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Tax-

## Taxes.

*Tole, Merchants, Poor, Ways, Excise, Chimney-Money, Subsidies, Stock, Rates, Assessment.*

*Ability.*

I. *Ambert 333.* If a Person that ought to be set to the Subsidy do by his craft or covin escape the Taxation, and that be proved before two Justices of Peace of that County, then shall he be charged at the double value of so much as he ought to have been Taxed at, and shall further be punished at the discretions of the said Justices 39 *Eliz.* 27. *ð N.* and divers former Acts of Subsidies, *Dalt.* 137. *cap.* 54.

II. *West. Symb.* 1 part *Sett.* 631. A Certificate for payment of Subsidymony, *Justice restored* 51, 52.

We whose Names are here under written Commissioners of our Sovereign Lady the Queens Majesty, amongst others within the County of *W.* for the Taxation, levying and Collection of the second payment of the first of the two Subsidies granted to her Majesty in the Parliament holden at *W.* in the 31. year of her Highness Reign, do signifie unto the Right Honourable the Lord Treasurer, the Barons of the Exchequer, and to all other her Majesties Commissioners, and Officers, to whom it shall appertain, that *A. B.* of *W.* in the County of *W.* Esquire, is Taxed and assessed, to pay to our Sovereign Lady the Queens Majesty, for the second payment of the said first Subsidy, and hath paid &c. after the Rate of 20 *l.* in Lands amongst the Inhabitants of the Parish of *W.* in the Hundred of &c. in the said County of *W.* at which place the said *A. B.* was altogether resident with his Family at the time of the Taxation of the said Subsidy. Given under our Hands and Seals the 5. day of *May*, in the year &c.

III. *Kilb. Precedents* 107. A Mittimus for disturbing a Collector of Chimny-mony, 16 *Car.* 2. 3, 4. *N.*

To the Constable and Borsholders of the Hundred of *A* and to every of them, and to the Keeper of his Majesties Common Goal for the said County at *M.* in the County aforesaid.

*Kent ss.* Forasmuch as it hath been duly proved before me that *A. B.* an Officer duly appointed to Receive, Collect and Answer the duty arising by Fire, Hearths and Stoves in this County, according to an Act of Parliament, Intituled *An Act for Collecting the Duty arising by Hearth-mony by Officers to be appointed by his Majesty*, hath been violently opposed (or injured) in the due Execution of the said Act by *C. D.* These are therefore in his Majesties Name to charge and command you the said Constable and Borsholders, and every of you, that you, some or one of you do take the said *A. B.* and him safely convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely to keep by the space of, &c. (*viz.* any time not exceeding a Month) next after such delivery of him unto you; hereof fail not at your perils. Given under my Hand and Seal the eighth day of &c.

IV.



IV. *Kilb. Precedents* 133 A Warrant to levy the forfeiture for not paying the Excise by Alehouse-keepers, &c. 12 *Car.* 2. 24. § 15.

To the Constable and Borshoulders of the Hundred of *A.* in the said County and to every of them.

*Kent ff.* Forasmuch as complaint hath been made unto us whose Names are hereunto subscribed (*viz.* to his Majesties Justices of the Peace of the County aforesaid, that *A. B.* of *C.* in the said County of *K.* Alehouse-keeper &c. hath not paid or cleared off his duty of Excise unto such Person, as by the Statute in that behalf made is appointed, according to the Entry of the said *A. B.* in that behalf made, as by the Statute aforesaid is directed, and upon Examination of the complaint aforesaid we do find the same to be true, These are therefore in his Majesties Name to will and require you, and every of you, that you, some or one of you do levy the Sum of &c. upon the Goods and Chattels of the said *A. B.* being the double value of the duty so not paid or cleared off, and by him forfeited according to the form of the said Statute, and to sell the said Goods and Chattels (if they shall not be redeemed within 14 days) and that you pay the Moneys so levied to such Person or Persons as by the said Statute is directed, rendring to the said *A. B.* the overplus, if any be, and for want of sufficient distress that you do forthwith certifie us thereof, to the end we may further proceed touching the same as by Law is appointed: Hereof fail not at your perils. Given under our Hands and Seals the 10. day of &c.

V. *Kilb. Precedents* 134. For not paying the Excise by a Brewer, on 12 *Car.* 2. 24. § 15. *N.*

To the Constable and Borshoulders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as complaint hath been made unto us whose Names are hereunto subscribed (*viz.* to his Majesties Justices of the Peace of the County aforesaid, that *A. B.* of *C.* in the County aforesaid Common Brewer, hath not paid nor cleared off unto such Person, as by the Statute in that behalf made is appointed, according to the Entry of the said *A. B.* in that behalf made, as by the Statute is directed, and upon Examination of the Complaint aforesaid we find the same to be true; These are therefore in his Majesties Name to will and require you, and every of you, that you, some or one of you do levy the Sum of &c. upon the Goods and Chattels of the said *A. B.* being the double value of the Duty so not paid or cleared off, and by him forfeited according to the form of the Statute aforesaid, and to see the said Goods and Chattels (if they shall not be redeemed within fourteen days, and that you pay the Moneys so levied to such Person or Persons as by the said Statute is directed, rendring to the aforesaid *A. B.* the Overplus, if any be, and for want of sufficient distress that you do forthwith certifie us thereof, to the end that we may proceed touching the same as by Law is appointed: Hereof fail not &c.

VI. *Kilb. Precedents* 135. For not entring the duty of Exceise, on 12 *Car.* 2. 24. § 15. *N.*

To the Constable &c.

*Kent ff.* Forasmuch as complaint hath been made unto us whose names are hereunto subscribed, 2 of his Majesties Justices of the Peace of the County aforesaid that *A. B.* of *C.* in the said County of *K.* &c. hath not made

F f f f f 2

such

such due and particular entry of Beer (*Ale, Sider, Perry, Metheglin, or Strong-water, &c.*) as by the said Statute is required, and upon Examination of the complaint aforesaid, we do find the same to be true; These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy the Sum of, &c. upon the Goods and Chattels of the said *A. B.* being the double value of the duty so not paid or cleared, of and by him forfeited, according to the form of the Statute aforesaid, and do sell the said Goods and Chattels of the said *A. B.* if they shall not be redeemed within 14. days, and that you pay the moneys so levied to such Person or Persons as by the said Statute is directed, rendering to the aforesaid *A. B.* the Overplus, if any be; and for want of sufficient distress, that you do forthwith certifie us thereof, to the end we may further proceed touching the same, as by Law is appointed; hereof fail not at your perils. Given under our Hands and Seals the 5 day of &c.

VII. *Kilb. Precedents* 136. A Warrant for not suffering to Gage the Vessels on 12 *Car. 2. 23. § N.*

To the Constable, &c.

*Kent ff.* Forasmuch as complaint hath been made unto us whose Names are hereunto subscribed, his Majesties Justices of the Peace of the said County, that *A. B.* of *C.* in the County aforesaid Brewer (*Innkeeper, Victualler, Retailer of Beer, Distiller of Strong-water, or Retailer of Ale, Sider, Perry, Metheglin, or Strong-water*) hath refused to permit *C. D.* a Gager, appointed according to the Statute aforesaid, to enter into his House, Outhouse &c. to Gage or take account of his Beer, &c. yet notwithstanding the said *A. B.* after warning given &c. hath sold and retailed &c. Beer, (*Ale, &c.*) not having paid or cleared off the duty of Excise: And upon Examination of the said Complaint, we do find the same to be true, These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy upon the Goods and Chattels of the said *A. B.* five pounds for his Offence aforesaid, and sell the said Goods and Chattels, if they shall not be redeemed within 14. days, and that you do pay the Mony so levied to such Person or Persons as by the said Statute is directed, rendering to the aforesaid *A. B.* the Overplus, if any be; and for want of sufficient distress, that you do forthwith certifie us thereof to the end we may further proceed touching the same, as by Law is appointed; hereof fail not at your perils. Given under our Hands and Seals the 10. day of &c.

VIII. *Kilb. Precedents* 137. A Warrant for loss of allowance for making false Entries 12 *Car. 2. 23. § N.*

*Kent ff.* Forasmuch as by the Statute in that behalf made; it is enacted that all common Brewers and makers of Beer, or Ale, not selling the same by retail, for and in Consideration of wast by Filling and Leakage of their Beer and Ale, shall have and be allowed out of the Retorns made by the Gagers upon every three and twenty Barrels of Beer, whether strong or small, Retorned by the said Gagers, three Barrels; and upon every two and twenty Barrels of Ale, whether strong or small, Retorned by the Gagers, two Barrels; and forasmuch as *A. B.* of *C.* in the said County, Common Brewer, hath this present day been duly convicted before us, that he hath wittingly and willingly made a false Entry of Beer &c. by him lately Brewed, contrary to the form of the Statute aforesaid, we do therefore adjudge that the said *A. B.* shall forfeit and lose for his Offence aforesaid, over and besides the Penalties in the said Act mentioned, the said al-

allowance so to be made, for six Months now next ensuing: Given under our Hands and Seals the 10. day of *&c.*

IX. *Kilb. Precedents* 138. A Warrant upon complaint of a false Entry, 12 *Car.* 2. 23. § N.

To *A. B.* of *C.* in the County.

*Kent ff.* Forasmuch as complaint hath been made unto us, that you *A. B.* of *C. &c.* contrary to the Statute in that Case made and provided, These are therefore in his Majesties Name to require you to appear before us (*viz.* two Justices) at the House of *D.* in *E.* in the County aforesaid, upon the 22. day of this instant *May*, to Answer to the premises; hereof fail not at your peril: Given under our Hands the 28. day of *May, &c.*

X. *Kilb. Precedents* 138, 139. A *Mittimus* where there is not sufficient to pay the Excise.

To the Constable and Borshoulders of the Hundred of *A.* and every of them, and to the Keeper of his Majesties Goal for the said County at *M.* in the County aforesaid.

*Kent ff.* Whereas by Warrant under our (*viz.* two Justices) hands, you the said Constable and Borshoulders were required to levy of the Goods and Chattels of *A. B.* of *C.* in the said County, *&c.* by him forfeited according to the form of the Statute (*Intituled a grant of certain Impositions upon Beer, Ale, or other Liquors, for the increase of his Majesties Revenue during his Life*) and you the said Constable have this day certified us that the said *A. B.* hath not sufficient distrefs whereby the said *&c.* can be levied, These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do take the said *A. B.* and him convey to the Goal aforesaid, and there deliver him to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper to receive him into the said Goal, and him there Imprison till satisfaction be made of the aforesaid Forfeiture *&c.* hereof fail not at your perils: Given under our Hands and Seals the 10 day of *May &c.*

XI. *Kilb. Precedents* 139. A Certificate upon taking the Oath of Officers of Excise 12 *Car.* 2. 23. § N.

*Kent ff.* We whose Names are hereunto subscribed, his Majesties Justices of the Peace of the County aforesaid, do certify that *A. B.* of *C.* in the said County hath before us this present day taken the Oaths of Allegiance and Supremacy, and the Oath mentioned in the Statute made in the 12 year of his now Majesties Reign (*intituled A grant of Certain Impositions upon Beer, Ale and other Liquors for the increase of his Majesties Revenue during his Life.*) Given under our Hands and Seals the second day of *May* in the 31. year of the Reign of *&c.*

2. This Oath is by the Justices to be certified to the next Quarter-Sessions.

XII. *Kilb. Precedents* 140. A Warrant against one for 10 *l.* for bribing *&c.* an Excise Officer 15 *Car.* 2. 11.

To the Constable *&c.*

*Kent ff.* Forasmuch as it hath been duly proved before us (*viz.* two Justices) that *A. B.* of *C. &c.* Brewer did Bribe (or corrupt, give money, fee, or other reward *&c.*) to *J. S. Gager* (or other Officer) to make a false Return



turn or report unto the Officer of Excise of Beer, Ale, &c. Excisable within his division (charge or walk) in the said County (or to forbear or omit the doing or Executing of his place or imployment) against the form of an Act of Parliament lately made, intituled *An additional Act for the ordering and collecting the duty of Excise and preventing the abuses therein*, whereby he hath forfeited 10 l. for his said Offence. These are therefore in his Majesties Name, to charge and command you, and every of you, to levy by distress and Sale of the Goods of the said *A. B.* the aforesaid 10 l. rendring to him the Overplus thereof, and thereof fail not at your perils: Given under our Hands and Seals the 10 day of May &c.

XIII. *Kilb. Precedents* 141. A Mittimus against the Offender for not paying the said 10 l. 10 Car. 2. 11.

To the Constable and Borshoulders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Goal for the said County at *C.* in the County aforesaid.

*Kent ff.*

Whereas it was duly proved before us that *A. B.* of *C. &c.* Brewer, did Bribe *C. D.* Gager to make a false Return into the Office of Excise of Beer &c. Excisable within his Division in the said County, against the form of an Act of Parliament lately made, intituled *An additional Act for the ordering and collecting the duty of Excise and preventing the abuses therein*, whereby he forfeited 10 l. for his said Offence; and we did therefore by Warrant under our Hands and Seals charge and command you to levy by distress and Sale of the Goods of the said *A. B.* the aforesaid 10 l. and you the said Constable have returned to us that for want of such distress you, could not levy the same: These are therefore in his Majesties Name to charge and command you the said Constable and Borshoulders, and every of you to attach the said *A. B.* and him to convey to his Majesties Goal aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper to receive him into the said Goal, and him there safely keep by the space of three Months without Bail or Mainprize Hereof: fail not at your perils. Given under our Hands and Seals the 10. day of May &c.

2. The like as *supra*, *mutatis mutandis*, against any sworn Gager or other Officer that shall take and receive any Bribe, money, Fee, Gift or other reward of any Brewer or other Person, for any cause or matter retaining to the Excise.

XIV. *Kilb. Precedents* 142, 143, 144. A Warrant to distrain for the duties of Excise.

To *T. O.* and *J. T. Gent'* and to either of them, and such other Persons as they or either of them shall take to their, or either of their assistance in Execution hereof.

*Kent ff.* Whereas Complaints were lately made unto us *S. B.* and *R. K.* Esquires, two of his Majesties Justices of the Peace of the said County by the Officers of Excise, that the several Persons hereunder named had committed the several and respective Offences, hererein after mentioned, and severally added to their several Names, against the form of several Statutes made for payment to his Majesty of the duties of Excise, and forasmuch as upon hearing of the said Complaints this present day it was duly proved before us, that the said Complaints were true, and we have therefore according to the form of the Statutes aforesaid adjudged

judged that the several and respective Persons, shall for his and their several and respective Offences forfeit and pay the several Sums of Money here under added to their several and respective Names, that is to say,

*T. D.* of *H.* in the said County Vintner a Retailer of Beer, &c. for forfeiture for neglect of entring by the space of 12. Months, last past, of Beer &c. by him retailed within the said time 24 *l.* and for double the Duty of Exercise for 25. Barrels 3. Firkins and 5. Gallons of Beer of above 6 *s.* the Barrel, and for 3. Barrels and 3. Firkins of Beer, of 6 *s.* per Barrel or under, he not having paid the single duty, or any of the same 8 *l.* 14 *s.* 06. in all 32 *l.* 14 *s.* 06.

*J. L.* of *H.* aforesaid Cordwinder, for forfeiture for neglect to appear before us this day to give Evidence for discovery of Breaches of the Laws of Excise, the 10 day of *May*, at *H.Sc.* (*viz.* the day and place of condemnation) notwithstanding that he was summoned so to do according to the Statute in that behalf made, 40 *s.*

*E. B.* Late of *B.* in the said County Laborer, for the like, 40 *s.* and for forfeiture for that he refusing to permit the Gager to Gage or take account of Beer by him Brewed, and being thereupon forbidden by the said Gager to sell any of the Beer aforesaid, he after such warning given, did sell the same not having paid or cleared the Duty of Excise, 5 *l.* and for Costs and Charges of the Officer and others employed in the Services touching the Premises, 5 *s.* in all 7 *l.* 5 *s.*

These are therefore in his Majesties Name to Authorise and command you, and every of you, to levy the aforesaid several and respective Sums of Money upon the Goods and Chattels of the said several and respective Offenders, and to make Sale of the said Goods and Chattels if they shall not be redeemed within 14. days, rendring to the Parties the Overplus, if any be, and for want of sufficient distress, to certifie us, or one of us, of the same, to the end that such further proceedings may be made therein, as by the Laws and Statutes aforesaid are required: And you are hereby further Comanded to dispose of all such Moneys as you shall by virtue hereof levy or receive, in such manner as by the Laws and Statutes aforesaid is appointed, Given under our Hands and Seals the 15. day of *May* &c.

2. All the before mentioned Warrants upon 12 *Car.* 2. 23. will also serve, *Mutatis mutandis*, upon the other Statute touching the Excise made the same Parliament 12 *Car.* 2. 24. § 15. &c. Entituled *An Act for taking away the Court of Wards and Liveries*,

XV. *Dalt.* 167. cap. 63. *Edit.* 1666. In the Default of the Parishioners, <sup>Poor.</sup> Churchwardens, & Constables that shall not assess the Tax imposed upon the Parishioners by the Justices at their *Easter-Sessions*, towards the relief of the Prisoners in the *Kings Bench* and *Marshalsey*, and of the Hospitals of that County, and of the losses by Fire, Water, and other Casualties, and relief of the Poor within that County, any Justice of Peace, dwelling in that Parish, or if none dwell there, in the parts next adjoining, may assess the same, and the same Justice, or any other Justice of Peace of that Limit, in default of the Church-Wardens and Constables, may levy the same by Distress and Sale of the Goods of the Party refusing or neglecting to pay his Part thereof, rendring to the Party the Overplus, and in default of such Distress, any Justice of Peace of that Limit may commit such Person to Prison, there to remain without Bail till he hath paid the same 43 *Eliz.* 2.

XVI. *Dalt.* 167. *cap.* 63. *Edit.* 1666. Also in default of the Parishioners, Church-Wardens and Constables that shall not assess the Tax imposed upon the Parishioners by the Justices at their *Easter-Sessions* towards the relief of maimed Souldiers and Mariners, any Justice of Peace dwelling in that Parish, or if none dwell there, in the Parts next adjoining, may assess the same, and the same Justice of Peace in default of the Church-Wardens and Constables may levy the same by Distress and Sale of the Goods of the Party refusing, or neglecting to pay his part thereof, rendering to the Party the Overplus, but in default of such distress, the Justices of Peace may not commit such Person to Prison, as they might in the former case 43 *Eliz.* 3.

XVII. *Dalt.* 167, 168, 169. *cap.* 63. *Edit.* 1666. Now in these Cases and other Rates and Taxations, you shall observe these Rules following. First, that the most reasonable Rating of Land is by the yearly value and quality thereof, and not by the quantity or content, 9 *Co.* 12.

2. He that occupyeth in his own hands Lands lying in several Parishes, shall be charged in every Parish proportionally for his Land there, 5 *Co.* 67.

3. The Farmer shall be rated for the Lands, and not the Lessor or Landlord, 5 *Co.* 65.

4. The Landlord shall not be rated or Taxed for his Ferm-rents, in as much as the Fermor or Occupyer of the Land is chargeable for the same Lands, so where any Fermor is assessed by his Goods, I ought not to be assessed for my Rent of the same Ferm, 7 *H.* 7. 33. and 11 *H.* 4. 35. *Quinzim Br.* 2. 4.

5. Upon a complaint to the Judges of Assize in the County of *Lincoln*, it was resolved and ordered, that the Lands in the Parish, and not the Rent neither of that Land, nor of other Lands could be Taxed, at Assizes at *Lincoln*, 1633. *Sir Anthony Irbies Case.*

6. By Goods in most Cases a Man may be rated as well as by Lands, but not both by Goods and Lands, as it seemeth, the like you may see in divers Act of Subsidies, wherein there is usually a special Proviso, that no Person shall be Taxed both for his Lands and Goods, nor doubly rated, 27 *Eliz.* 29. 29. *Eliz.* 8. and 31 *Eliz.* 15. and 35 *Eliz.* 13. and 39 *Eliz.* 26. and 43 *Eliz.* 18. and 7 *Jac.* 23. and 18 *Jac.* 2. and 21 *Jac.* 34. 3 *Car.* 1. 7. And yet see 44 *Ed.* 3 *Customs, Br.* 6. Where a Tax of ten pounds was made by the Parishioners for the amending of their Church, and was Taxed to be levied of every Plow-land 6 *d.* and of every Cow 1 *d.* and of every 10. Sheep 6 *d.* and 7. *s.* for his Land, Cows, and Sheep, was rated at 9 *s.* and was distrained for the same, and upon a Replevin by 7. *s.* sued, no Exception was taken to the manner of Rate imposed upon 7. *s.* but Note, that the said Tax was made by his Consent, & *consensus tollit errorem*, 5 *Co.* 36. 40.

7. So then he that hath both Lands and Goods shall be charged by the best of them both, but he is not to be double charged, *scil.* by the one and the other; and yet in some places they do use to charge one Person both by Lands and Goods, which if it be warrantable by Law, yet it seemeth to be with this difference, *scil.* that where a Man occupieth Land, and also hath in his hands a great estate or stock of Merchandise, or be also a Clothier, Malster, or the like, that such Person peradventure may be charged by his Lands and also by such his Stocks, but for such Goods or Stock of Cattle, whereby a Man doth occupy, compas or manure his Lands, as for Horses, Sheep, Kine, &c. wherewith he flocketh his Land, a Man shall not be charged, *scil.* if he be charged by his Land he shall



shall not also be charged for such his Cattle which do manure the same Land.

8. Also where a Man is rated by his Goods, it seemeth reasonable that such Goods be rated after the value of Lands to be purchased, scil. 100 l. in Stock or Goods to be rated after 5. or 6 l. pounds *per Annum* in Lands, and so after the like proportion for a greater or lesser Estate in Goods, Stock, Merchandize or the like.

9. *Note*, that where a Man is charged by Goods, they must be *bona Notabilia*, as it seemeth, and yet the Subsidy Men are rated not only by their Stock of Merchandize, or Cattle, Corn, Household-stuff, or other moveable Goods, which are *Notabilia*, but also to their Coin and Debts owing to them, deducting such Debts as they owe to others, and such Debts as be desperate: But there the Parry over-rated upon his complaint to the Commissioners, and his Oath taken before them, that his Goods, Coin, or Debts be not of such value (which Oath the said Commissioners are Authorized to take by the Statute,) the said Commissioners may abate the said Assessments, according as upon such Examination shall appear to them just.

10. Also for Goods a Man shall be charged only in the Town where the Goods be at the time of the Assessment, *Quinzim Br.* 4. 6. See 9 H. 4. 7. 6 N.

11. Also if a Man be Assessed for his Goods in D. when as he hath no Goods there, and be Distrain'd for such Assessment, he may have an Action of Trespass, *Quinzim Br.* 3. 4. 9.

12. The Constaibles or other Officers, and great part of the Parishioners upon a General warning given in the Church assembled, may make such Taxations by Law, 5 Co. 6. 7. *Fitzh.* 49.

The like may be done by the Church-Wardens, and greater part of the Parishioners for Church Charges.

And if the greater part of the Parishioners will not meet upon such warning given, it seems the Officers and such of the Parishioner, as will meet, may make such Taxations.

13. *Note*, that such Taxations being made for a Common-wealth, as for the making or amending of a Bridge, High-way, Causey, Sea, or the like, they shall bind all Persons, although they assent not, 44 Ed. 3. 18. 19. *Customs Br.* 6. *Fitzh.* 49. 5 Co. 63.

And so of Taxations made to repair the Church, or for other common Town Charges, as it seemeth where such Taxations are made by the greater part of the Parishioners, as aforesaid, 5 Co. 63. 67. and 21 H. 7. 20 b. pl. 8 Ed. 1. *Assize* 413.

14. Also when Assessments are made for the reparations of Bridges, High-Ways, Sea-bounds, Causeys, and the like, it seemeth that the Sum assessed upon particular Men or Towns, ought to be competent and reasonable, having regard to the benefit which the Parties Assessed or charged, shall and may have and enjoy, by reason of the said Assessment, and so reasonable, as that the Parties shall or may have more Benefit than charge thereby, and then such Assessments cannot be reputed Burthen-some, or a charge to the Subject, when he shall or may reap benefit thereby, 13 H. 4. 14. *Patents Br.* 12. and 5 Co. 63 b.

15. If a Township be Amerced, and the Neighbors do by assent Assess a certain Sum upon every Inhabitant, and do agree that J. S. shall gather it up, and that if it be not paid such a day, that J. S. shall Distrain for the same, in such Case a distress taken by J. S. for such Rates behind, is good, *Customs Br.* 6. Dr. and St. 74 b.

16. And Issues Estreated upon the Parish may by order of Sessions be equally rated upon the Inhabitants, and levied accordingly, *Libr' Sess. Pa- cis in Com. Middlesex*, Ord. 16. May 8 Car. 1.

The like Order for the Inhabitants of *Fulham*, 9 Apr. 11 Car. 1. And the like for the Inhabitants of *Eling*, 2 Dec. 9. Car. 1.

XVIII. *Lambert* 353, 354. After the Execution had for the Party Robbed against the Men of the Hundred, and upon complaint made by them so charged, two Justices of the Peace, one being of the *Quorum* of the same County, Inhabiting within the said Hundred, or near unto it where any such Execution shall be had, may Assess and Tax rateably and proportionably by their Discretions, all and every the Towns, Parishes, Villages, and Hamlets; as well of the said Hundred as of the Liberties within the same, towards an equal Contribution to be had for the relief of them against whom such Execution was had, 27 *Eliz.* 13. § N.

XIX. *Shepherds Clerks Cabinet* 66 cap. 12. A Warrant for a Rate charged on the Hundred for a Robbery, on 27 *Eliz.* 13. § N.

To the high Constable of the Hundred of *W.* in the said County of *Gloc.* and to all the Petty Constables and Tythingmen of the several Parishes and Tythings within the said Hundred, *W. S.* and *J. S.* two of the Justices &c. send greeting.

*Gloc. ff.* Whereas one *A. B.* was of late Robbed of an Hundred pounds within the said Hundred of *W.* and hath thereupon sued the same Hundred of *W.* and hath a Judgment to recover an Hundred pounds against the same, the which hath been levied of and charged upon *C. D.* and *E. F.* two of the Inhabitants of *D.* within the said Hundred of *W.* and upon their Complaint to us thereof, we have according to the Act of Parliament in that Case provided, for the raising of the same mony, set a Rate upon the Parishes and Places within the said Hundred, which Rate is hereunto subscribed and annexed, These are therefore to require you the said High-Constable to give Notice thereof.

*Testimonial*, see *Poor*.

*Theft*, see *Coron*.

*Thirdborough*, see *Constable*.

*Threats*, see *Affray*, *Force*.

*Tilemaking*, see *Masons*.

*Tillage*, see *Husbandry*.

*Timber*, see *Woods*.

*Tinkers*, see *Poor*.

*Tin*, see *Metal*.

*Tipling*, see *Ale*.

*Tythes*

## Tythes.

I. **L** *Ambert* 353. Two Justices of Peace, the one being of the *Quorum*, upon Complaint of any competent Judge of Tythes, for any Misdemeanor of the Defendant in a Suit of Tythes, may cause him to be Attached or Committed to Ward till he find Surety unto them by Recognizance to the Kings use, to obey the Process and Sentence of that Judge, 27 H. 8. 20. *Crompt.* 197. *pl.* 22. 18 *Eliz.* 11. § 7. *N. Crompt.* 200. *Dalt.* 139. *cap.* 58.

II. *Lambert* 353. And also upon Complaint in writing by an Ecclesiastical Judge (*Certificate, Br.* 31.) that hath given definitive Sentence in Case of Tythes, against one which wilfully refuseth to pay the Tythes or Sums of Money so adjudged, two such Justices may cause the Party to be Attacht and Committed to the next Goal till he find Surety, as is aforesaid, to perform that Sentence, 32 H. 8. 7. *Crompt.* 197. *pl.* 23. *Crompt.* 200, *Dalt.* 140. *Cap.* 58.

III. *Lambert* 404. That 27 H. 8. 20. & 32 H. 8. 7. of Tythes, do give to Justices of Peace a certain special (or particular) power in them, and yet do not yield unto them any Authority to enquire upon the same.

IV. *Crompt.* 155. Nor shall he be let to Bail or Mainprise who is Committed by Justices of Peace to the Goal, because that he refuseth to pay his Tythe according to the Judgment given against him in the Spiritual Court, by 27 H. 8. 20. 32 H. 8. 7.

*Tokens, see Forgery, Collusion.*

*Tobacco, see Husbandry, Merchants.*

*Three and two Justices, see Justices.*

*Toll, see Market-overt, Taxes.*

*Transportation, see Ouster le Mere.*

*Trades, see Apprentice.*

*Traverse, see Pleading.*

## Treason.

## Misprision, Felony, Treason.

**L** *Ambert* 224. And albeit the Justices of Peace may deal with all Traitors as with Persons that offend against the Peace of the King, and of the Land, yet not in the very point of their Offence, *Dalt.* 231. *cap.* 90.

2. Saving that in some they have a special power to enquire of them, and to receive Indictments only, 2 *Inst.* 558. *Treason Br.* 5. *infra.*

Of this latter sort is the Treason of Extolling Foreign Power, 1 *Eliz.* 1. § 30. *N.* 1.



The Treason of putting in ure any Instrument of Reconciliation, gotten from the See of *Rome*, 13 *Eliz.* 2.

The Treason of absolving or withdrawing his Majesties Subjects from their natural Obedience, 23 *Eliz.* 1. *Dalt.* 228. *cap.* 89.

II. *Lambert* 405, 406, 407. *iii. Pope.* Enquiry in Sessions, if any Person have within this half year, by writing, printing, teaching, preaching, expresse deed or act, advisedly, maliciously and directly affirmed, holding, set forth or defended the Authority, Preheminence, Power, or Jurisdiction Spiritual or Ecclesiastical, of any Foreign Prince or Person whatsoever, heretofore claimed, used, or usurped in this Realm, or any the Kings Dominions.

2. Or have advisedly, maliciously, and directly put in use, or executed any thing to the extolling, setting forth, or defence of any such pretended or usurped Jurisdiction, Preheminence, or Authority, or any part thereof.

3. Or if any Person compellable to take the Oath of Recognition of the King's Majesty to be Supream Governour in all Cases within his Dominions, have refused to take the said Oath, after lawful tender thereof to him made.

4. If any Person, under the King's Obedience, have at any time within this year, by writing, cyphering, printing, preaching, or act, advisedly holden, or stood with to extoll or defend the Power of the Bishop of *Rome*, or of his See, heretofore claimed or usurped within this Realm.

5. Or by any speech, open deed or act, advisedly attributed such manner of Authority to the said See of *Rome*, or to the Bishop thereof, within any the King's Dominions, ye shall present him, his Abettors, Procurors, Counsellors, Aiders, and Comforters, 5 *Eliz.* 1.

6. If any Person have by any means practised to absolve, perswade, or withdraw any other within the King's Dominions from their natural Obedience, or for that intent, from the Religion now establisht here, to the Romish Religion or to move them to promise Obedience to the See of *Rome*, or other Estate.

7. Or if any Person have been willingly absolved or withdrawn, or have promised such Obedience, 23 *Eliz.* 1.

8. And if any Person have willingly aided or maintained any such Offendor, or knowing such Offence have concealed it, and not within the twenty days disclosed it to some Justice of Peace, or other higher Officer, 23 *Eliz.* 1.

III. *Lambert* 506. And therefore Justices of Peace may only Enquire of certain the Offences against 1 *Eliz.* 1. 2. 5 *Eliz.* 1. & 13 *Eliz.* 2. touching the knowledging the King's Supremacy, or the Service of God, or coming to the Church, or the establishment of true Religion, as you may see 23 *Eliz.* 1. *Dalt.* 54. *cap.* 20.

2. And they may only Enquire of any the Treasons or Misprisions of Treasons made by the same Act, 23 *Eliz.* 1. *Coron Fitz.* 360. *Br.* 257. & 9 *H.* 4. 1. *pl.* 1.

IV. *Crompt.* 21. *pl.* 3. *Nota*, That the Justices of Peace may Enquire of Murder or Petty Treason, because their Commission, § 6. is *De omnibus Feloniis*, see 6 *H.* 7. 5. *pl.* 4. *iii.* *Coron* 31. & *Leet Br.* 12. 2 *Inst.* 316. *Dalt.* 234. *cap.* 91.

V. *Poult.* de *Pace*, 173. § 10. That 33 *H.* 8. 23. § *N.* is Repealed by 1 & 2 *Phil.* & *Mar.* 10. § *N.* touching the Indictment and Trial of Traitors; for they are to be indicted and tried in the County where the Offence was Committed, or by the Freeholders of that County, according

to the Course of the Common Law, notwithstanding that they have confessed their Offences before three of the King's Counsel.

## Trespafs.

*Affray, Peace, Force, Riot, Maibem.*

I. *Lambert* 424. Enquiry at Sessions, If any Person have maihmed another of any Member, whereby he is the less able to fight, as by putting out his eyes, striking off his hand, finger, or foot, beating out his fore-teeth, or breaking of his skull; and of their Accessories.

2. If any have Committed unlawful Assault, beating, wounding, or such like Trespafs against the Body of any Man.

3. Or have with Force and against the Law taken the Goods of another, or have done any Trespafs in the Lands of another, this is in the Commission of the Peace.

II. *Lambert* 301, 302. The Justice of Peace where the Hedge or Pale-breaker, cutter of Corn or Wood; robber of Orchard or Garden, and such like, is apprehended, or the Offence is committed, may upon the Testimony of one sufficient Witness upon Oath, cause the Offender to pay Damages, and to be whipped by the Constable, 43 *Eliz.* 7. *Dalt.* 21. cap. 6. *Crompt.* 96.

*Trials*, see *Proof*,

*Troop*, see *Riot*.

*Travellers*, see *Ways*.

*Treasure*, see *Money*.

*Truce*, see *Admirals*

*Trunks*, see *Fish*.

*Tumults*, see *Riot*.

*Turn*, see *Sheriffs*.

*Vaga-*

*Vagabonds and Vagrants, ſee Poor.*

*Venire Facias, ſee Enqueſt, Proceſs.*

*Veſſels, ſee Measures.*

### Viſuals.

I. **I** *Ambert* 448, 449, 451. Enquiry in Sessions if any Butcher, Fishmonger, Innholder, Tipler, Brewer, Baker, Poulterer, or other Seller of Viſual, have not ſold the ſame at reaſonable prices, and for moderate gains, 23 *Ed.* 3. 6. 13 *Rich.* 2. 8.

2. If any Butchers, Bakers, Brewers, Poulterers, Cooks, Fruiterers or any Myſtery of any of them, have conſpired or taken any Oath or Promise not to ſell, but at prices certain agreed between them, 2 & 3 *Ed.* 6. 15.

3. If any Butcher have ſold, or offered to ſell Swines-fleſh meeled, or any Fleſh that died of the Murrain; or if any other Viſualler have ſold, or offered to ſell any corrupt or unwholſom Viſual, 51 *H.* 3. pag. 13. cap. 7. § 3. *N.* 1. *infra.* *Crompt.* 87 b.

4. If any Perſon have bought to ſell again any Butter or Cheeſe, unleſs it be in open Fair or Market, by retailing it after the weigh of Cheeſe and Barrel of Butter, or after a leſs quantity, or unleſs it be Viſuallers for that which ſhall be retailed or ſpent in their Houſes, 3 & 4 *Ed.* 6. 21.

5. If any Innholder, Taverner, Alehouſe-keeper, Common Viſualler, Common Cook, or Common Table-keeper, hath uttered or put to ſale any kind of Fleſh Viſual upon any day in the time of Lent, or upon any Sunday, Saturday, or other day appointed by former Law to be Fiſh-day, not being *Chriſtmas-day*, except it be to ſuch Perſon as reſorting to ſuch Houſe, had lawful Licence to eat the ſame, according to the Statute thereof made 5 *Eliz.* 5. § 14. *N.* 1.

6. If any Perſon, other than by reaſon of Age, Sickneſs, Childing, or Licence, have within this year eaten Fleſh in Lent, or upon any Fiſh-day obſerved by the Cuſtom of this Realm, 5 *Eliz.* 5. § 15. 35 *Eliz.* 7. & 1 *Jac.* 29.

II. *Crompt.* 87 b. Enquiry in Sessions of Butchers that ſell Swine-fleſh meeled, or Fleſh that dieth of the Murrain, for the firſt time he ſhall be grievouſly Amerced, for the ſecond time, ſhall be put on the Pillory, and for the third Offence, ſhall be imprifoned and make a Fine, and the fourth time he ſhall forſeign the Vill, 31 *Ed.* 1. *Incert' temps* pag. 85. cap. 7. *de Paſtoribus & Braccatoribus, &c.* Juſtice of Peace may Enquire of this Offence by their Commiſſion, §

2. If a Butcher or &c. ſends Fleſh that hath the Murrain, or that is not found, to be ſold, this is an Offence for which he ſhall be puniſht, for it ſhall be intended he will ſell, if any will buy, by *Fairfax*, 1 *Rich.* 3. 1.

III. *Crompt.* 95. A Viſualler ſhall be compelled to ſell his Viſual, if the Party tenders ready Money, by *Hufſey* and *Brian*, 10 *H.* 7. 8. See *Ed.* 4. 34.



*Vi Laica*, see *Force*.

*Villain*, see *Poor*.

*Violence*, see *Affray*.

*Undertakers*, see *Purveyance*.

*Universities*, see *Franchis*.

*Unlawful Assemblies*, see *Riot*.

*Under-Sheriff*, see *Sheriffs*.

*Unlawful Games*, see *Games*.

*Upholsters*, see *Drapery*.

### Usury.

I. **L** *Ambert* 443. Enquiry in Sessions, If any Person have by himself, or any other, sold any Merchandizes or Wares to any other, and have within three Months next after that, by himself, or by any other bought the same, or any part thereof again upon a lesser price, knowing them to be the same, *Crompt.* 17 b. 125 a.

2. Or if any Person have, by any corrupt Bargain, Mortgage, or other means taken in gain, above the rate of Ten pounds for the Hundred for one whole years forbearance, and so after the rate for more or less, 37 H. 8. 9. *Crompt.* 17 b. 13 *Eliz.* 8.

II. *Lamberts Precedents* 17. pl. 46. An Endicement for Usury.

*Kent ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod ubi *A. B.* de *C.* in dict' Comitatu Mercer, primo die *Octob.* Anno Regni dict' Domini nostri *Jacobi &c.* apud *C.* predict' in Com. predict' mutuo dedisset & accomodasset cuidam *D. E.* de *C.* predict' in dicto Comitatu Shoemaker, summam 20 l. in pecuniis numeratis de pecunijs dicti *A. B.* in ea intentione ut idem *D. E.* 20 l. eidem *A. B.* redderet & resolveret primo die *Aprilis* tunc proximè futuro idem *A. B.* ad tunc & ibidem injuste cepit & habuit præ manibus de prenominato *D. E.* 26 solidos in lucro usura & proficuo pro differendo & dando diem solutionis sic ut prefertur earund' 20 l. a dicto primo die *Octob.* Anno supradicto usque dictum primum diem *Aprilis* tunc proximè sequentem qui quidem 26 solidi modo & forma predictis præ manibus capti & habiti multo excedant & superant ratam & proportionem decem librarum pro Cent. lib. pro uno Anno integro accomodand' ad damnum non mediocre ipsius *D. E.* ac in contemptum dicti Domini Regis nunc, necnon contra formam diversorum Statutorum in hujusmodi Casu provisorum & editorum, *West. Symb.* 2. part 132 b. *Sect.* 216.

III. *West. Symb.* 2. part 133. *Sect.* 217. Another Indictment of Usury upon 37 H. 8. 9. 9 N. in which the Statute is recited to be revived by 13 *Eliz.* 8.

*Essex ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod cum per quendam Actum in Parliament' Domine *Elizab'* nuper Regine Anglia apud *Westm'* in Com. *Middlesex* secundo die *Aprilis* Anno Regni sui 13 tent' edit' inter alia inactitat' fuit quod quidam Actus in Parliament'

liament' Domini *H.* nuper Regis *Angliæ* octavi apud *Westm'* predict' Anno Regni sui 37. rent' edit' pro reformatione Usuræ ab & post 25 diem *Junij* proxim' sequent' predict' secundum diem *Apr.* Anno Regni dictæ Domine Reginæ 13. supradict' revivat' foret & staret in suo pleno robore vigore & effectu, in quo quidem Actu in Parliament' dicti nuper Regis *H.* 8. Anno Regni sui 37. supradicto rent' & edit' Inactitat' fuit Autoritate ejusdem Parliament' quod nulla persona sive personæ cujuscunque status gradus sive conditionis ipse vel ipsi foret sive forent ad aliquod tempus post ultimum diem *Januarij* in Actu illo mentionat' per viam sive medium aliquarum corruptarum bargainæ accommodationis Exchambij Chevanfy Cautelæ sive Interesse aliquarum Merchandizarum Mercium aut alicujus alius rei sive aliquarum aliarum rerum quarumcunque aut per aliquam aliam corrupt' sive deceptivam viam vel conveyantiam haberent reciperent acciperent sive caperent in lucro vel proficuo pro differendo seu dando diem solutionis unius Anni integri de & pro ejus vel eorum denarijs vel alia re quæ foret debita pro ejusdem Mercibus Merchandizis sive alia re vel rebus ultra summam decem librarum pro Centum libris & sic secundum ratum illum, & non ultra de & pro majore sive minore summa seu pro longiore sive breviori tempore, & non plus sive majus lucrum vel summam inde habend' sub pœna forisfaciendi & amittendi pro qualibet offens. triplum valorem Mercium Merchandizarum & alius rei vel rerum sic bargainizat' vendit' Exchambiat' sive accommodat' ac etiam haberet & sufferret imprisonament' Corporis sui & faceret finem & redemptionem ad voluntat' dicti Domini Regis de qua quidem forisfactura triplicis valoris predict' una medietas esset dict' Domino Regi & altera medietas illi vel illis qui pro eadem prosequerentur in aliqua Curiarum dicti nuper Regis de Recordo in qua secta, nulla vadiatio Legis, Essonium sive protectio allocaretur prout in eodem Statut' de Anno 37. dicti nuper Regis *H.* 8. supradict' plenius continetur, cumque etiam quidem *R. P.* de *Sc.* post predict' 2 die *Apr.* Anno 13. dictæ Domine Reginæ supradict' scil. 22 die *Decemb.* Anno Regni *Sc.* apud *L.* in Com. *E.* predict' accommodasset cuidam *C. F.* 4 *l.* Idem *R. P.* Statut' predict' minimè ponderans nec pœnam in eodem content' verens ad tunc & ibidem recepit & habuit de pœfat' *C. F.* in lucro & proficuo pro differendo & dando diem solutionis earundem 4 *l.* ab eodem 22 die *Dec.* Anno &c. supradict' usque 4 diem *Apr.* tunc proximè sequent' 8 *s.* qui quidem 8 *s.* in lucro & proficuo pro differendo & dando diem solutionis dictarum 4 *l.* a predict' 22 die *Decemb.* Anno *Sc.* supradict' usque predict' 4 diem *Apr.* ex tunc proximum sequent' excedunt ratam 10 libr. pro 100 *l.* pro uno Anno integro contra formam & effectum Statuti predict' ad grave damnum ipsius *C. F. Sc. Crompt. 269. pl. 111.*

## Utlary.

## Exigent, Proceſs.

I. *Lambert* 513, 514. Now ſeeing that this Proceſs of the Sessions is ſent out to this end, that either the Party ſhall come in to answer, and to be Juſtified by the Law, or elſe that he ſhall for his Contumacy, be deprived of the benefit of Law; for ſo much in effect do the words of the Commiſſion Import in them *Quouſque Capiantur reddant ſe aut utlagentur*.

2. It followeth, that in all Caſes of Endictments, if the Party be returned inſufficient, the Proceſs of Utlary lyeth againſt the Offender, if he be not taken before, or do not otherwiſe offer and yield himſelf.

3. And then the Power of the Juſtices endeth with the Utlary, for they can make no *Capias utlagatum*, but muſt certifie the Utlary into the Kings Bench.

Wages, ſee Fees, Apprentice.

## Ways.

## Chemin, Bridges, Streets, Camſeys, Highways, Poſt-Office.

I. *Lambert* 300. Thus ſuperviſors for amendment of the Highways ought, within one Month next after any Offences done by any againſt the Acts of 2 and 3 *Ph.* and *Mar.* 8. and 5 *Eliz.* 13. to preſent that Offence to the next Juſtice of the Peace, and thereupon he ought to certifie the ſame at the next General Sessions within the ſame County.

2. The Occupier of any Iron-work, for every load of Coal or Myne, and alſo for every Tun of Iron that he ſhall cauſe to be carried in any year, between the 12 of *October* and the firſt of *May*, by the ſpace of one mile in the Highways within the Weilds of *Suſſex*, *Kent*, or *Surry*, ſhall for every three ſuch Loads, and alſo for every ſuch Tun, pay to the Juſtice of Peace, dwelling near to the Places in that County where the Highways ſhall be moſt Annoyed, or to his Assigns, three ſhillings in Mony, the ſame in default of ſuch payment to be levied by diſtreſs by ſuch Juſtices, or his Assignee, of any the Goods of the Party, *Lambert* 471.

3. And ſuch Occupier for every 30 Loads of Cole and Myne, or of either of them, and for every ten Tuns of Iron carried in the ſaid Highways, between the firſt of *May* and 12 of *October* in any year, ſhall lay one load of Cynder, Gravel, Stone, or Chalk in places to be appointed by ſuch Juſtice, or elſe ſhall pay within eight days after demand at every ſuch Iron-work, 3 s. for every ſuch Load, to the hands of ſuch Juſtice,

H h h h h

who



who upon default of payment shall levy the same by distress, the same Moneys to be likewise bestowed by such Justice upon the same High-ways at his discretion: And such Justice may yearly within forty days next after May-day, assign the places for bestowing the said Cynder, Gravel, Stone, Chalk or Moneys, therefore 39 *Eliz.* 19.

Justices.

II. *Lambert* 331. By the oversight of any two Justices, and 12. discreet Men of the Hundred and Hundreds adjoining, any Person within the Weild of *Kent*, may make in his own Land a new High-way, more commodious than the old, 14 *H. 8. 6. 9 N. Crompt.* 198 b.

Justices.

III. *Lambert* 354. Two Justices of the Peace, whereof one to be of the *Quorum*, which were present at the Session wherein any Person was Convicted for any Offence against this Statute 39 *Eliz.* 19. of Highways, within the Weild of *Kent*, *Surry*, or *Suffex*, may make Warrant for levying the forfeits thereof to any Officer, and they also may appoint by their Discretion, such ways and means to levy the Doubles for not paying those Forfeits within 20 days next after lawful demand of the same by such Officer.

Bridges.

IV. *Lambert* 361, 362. Four Justices of Peace, whereof one to be of the *Quorum*, may, where a decayed Bridge is, and where it cannot be proved who, or what Lands be chargeable to the repairing thereof, Tax the Inhabitants, make Collectors, and appoint Overseers for the amendment of the same, *Crompt.* 200 b. 22. *H. 8. 5.*

Nasans.

V. *Lambert* 434. Enquiry in Sessions, if any Lord of the Soil have not enlarged the High-way from Market to Market, so that no Dyke, Bush, nor Tree, (except great Trees) be within 200 Foot of each side thereof, 13 *Ed. 1. St. 2 cap. 5. § 1. N. 1. Winch.*

Constables.

VI. *Lambert Constable &c.* 30. § 26. The Constables of Hundreds and of Franchises ought to make Presentment to the Justices of Peace, and to all other Justices thereto assigned, of the defaults of Watches, and of the defaults of the Kings High-ways not so enlarged, as no Ditches, Underwood, or Bushes be within 200 foot on every side of the same, &c. *Articles on Winch.* 34 *Ed. 1. St. 2. pag. 71. § 1. N. 9. 10. Crompt.* 82 b. 94 a.

Bridges.

VII. *Lambert* 469, 470, 471. Enquiry in Sessions if any Bridges in the High-ways, being out of the Cinque Ports, and Members thereof, be broken or decayed, to the annoyance of Passengers, and if there be, then what Hundred, City, Town, Parish, or Person certain, or Body Politick, ought of right to repair or amend the same, 22 *H. 8. 5. § N. 9 H. 3. 15 Crompt.* 125.

Overseers.

2. If the Constables and Church-Wardens of any Parish have not in *Easter-week* called their Parishioners together, and appointed Overseers of the works for Amendment of the High-ways leading to any Market; or have not appointed the six days for that work: And if any such Overseers have refused the charge, *Dalt.* 67. *cap. 26.*

T. xxi.

3. And if any Person having a Plowland in Tillage or Pasture, or keeping a Draught or Plow, have not found one Wain or Cart furnished, to work Eight hours every of the said days, 18 *Eliz.* 10. § 4. *N. Crompt.* 82.

Or if any other Person being assessed in Subsidy to 5 *l.* in Goods, or 40. *s.* in Lands, have not likewise found two able Men, *Crompt.* 82 b.

Or if any other Householder or Cottager, have not by himself, or any other, so wrought every of the same days, *Crompt.* 82 b.

4. If the Hedges, Ditches, Trees and Bushes, in and on each side of any such High-way, be not kept low, secured, and cut down by the Owners of the Grounds adjoining: If any such Overseer have not within one Month after any of the said Offences done, presented the same to the next Justice of the Peace, *Crompt. 82 b. Dalt. 67. cap. 26.*

And if any Person occupying Land adjoining to any such high Highway, have cast the scowring of any Ditch thereof into the Highway.

5. If any Bayliffs, Constables, Surveyors, or Church-Wardens have not levied the forfeiture for Offences aforesaid, and employed them upon their said High-ways, and accounted thereof, 2 and 3 *Ph. and Mar. 8. Crompt. 183 Ab. 5 Eliz. 13. and 18. Eliz. 10. and 27 Eliz. 19.*

VIII. *Lambert 500.* In some Cases therefore these Justices of Peace may hear one another, for every Justice of the Peace may upon his proper knowledge, make Presentments at the Sessions of any Offence done against 2 and 3 *Ph. and Mar. 8. and 5 Eliz. 13.* concerning the Amendment of High-ways; and in this and such like Cases his Report hath the force of a Presentment of 12 Men, so that he and his Fellows may proceed upon it, 21 *H. 6. 5. Dalt. 67. cap. 26.*

IX. *Lambert 576, 577.* And the Estreats made by the Clerk of the Peace of Forfeits for defaults of Amending High-ways, are a sufficient Warrant to the Constables to levy the same by Distress, to the use of the Church-wardens of the Parish where the fault was, towards the Amendment of the High-ways, *Lambert Constable &c. 30, 31. pl. 28. Dalt. 94. 95. cap. 40. 2 and 3 Ph. and Mar. 8. § N. and 5 Eliz. 13.*

X. *Lambert 600.* Two Justices of Peace may at their Quarter-Sessions, enquire of, and determine the Offences of not Amending the High-ways, 2 and 3 *Ph. and Mar. 8. § N. and 5 Eliz. 13. 18 Eliz. 10. Crompt. 125.*

XI. *Lamb. Precedents 17 b. pl. 48.* An Endicement for a common Bridge that is in decay.

*Kent. ff. Juratores pro Domino Rege presentant super Sacrament suum quod Pons publicus & communis situs in alta Regia via super Flumen de Medway, infra Parochiam de A. in Com. predict' vulgariter dict' (Ailford Bridge) est & per aliquot Annos jam proxime lapsos fuit valde ruinosus & in maximo decasu ob defectum reparationis adeo ut subditi dicti Domini Regis in super trans vel ultra dictum Pontem per se vel cum eorum Equis Bigis aut Carriagiis ire redire aut transire sine magno vitæ discrimine non audent aut possunt ad commune nocument' omnium vicinorum & compatriatarum in dicto Comitatu habitantium quorum interest ratione negotiorum suorum illac transire: Et ulterius quod prorsus nescitur quæ personæ quæve terræ tenementa aut corpora corporata & Politica, eundem Pontem aut aliquam inde parcellam ex Jure aut ex Antiqua consuetudine reficere & reparare debent aut consueverunt, 9 H. 3. 15. 22 H. 8. 5.*

XII. *Lamb. Precedents 20. pl. 55.* An Endicement for not working up on the High-ways.

Laborers.

*Kent ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod ubi die *Martis* in septimana Paschæ ultim' preterit' scil. 7. die mensis *Aprilis* Anno Regni Domini nostri *Jacobi Sc. A B.* tunc Constabularius Villæ de *C.* in dicto Com. & *D.E.* & *F.G.* tunc Guardiani Ecclesiæ parochialis de *C.* predict' in Com. predict' existentes vocatis ad se multis alijs Parochianis dictæ Parochiæ de *C.* tunc & ibidem elegerunt quosdam *J. S.* & *R. N.* duas honestas ejusdem Parochiæ personas in Supervisores pro uno Anno integro tunc proxime Sequenti pro emendatione & reparatione altorum regiarum viarum infra dictam Parochiam de *C.* ducentium a Villis Mercatorij ad Villas Mercatorias, ac etiam tunc ibidem Nominaverunt & appunctuaverunt sex dies, viz. 1, 2, 3, 4, 5, 6. dies mensis *Maij* tunc proxime sequent' pro dicta emendatione dictarum Viarum & nominatim pro emendatione illius viæ Regiæ ibidem, quæ est inter *Sc.* atque de eisdem sex diebus sic per eos ut prefertur nominatis & appunctuatis dederunt paulum postea, scil. die Dominico dictæ Paschæ tunc proxime sequenti publicam notitiam in dicta Ecclesia Parochiali: Quidam tamen *T. W.* tunc & ad huc Parochiani de *C.* predicta in Com. predict' existens ac tunc habens & occupans in dicta Parochia de *C.* in Com. predict' unam integram Carucatam Terræ Arabilis, Anglice dictum a *Plough-land*, nullum dictis primo secundo & quarto die dicti mensis *Maij*, Anno supradicto prorsus invenit aut misit currum instructum Anglice dictum, *A Wain or Cart furnished*, equis bobus aut alijs animalibus & necessarijs secundum morem Patriæ ibidem nec ullus habiles homines erga emendationem & reparationem dictarum viarum aut earum aliquam sive aliquam inde percellam sed inde tunc ibidem voluntarie fecit defaltam in dicti Domini Regis contemptum ac contra formam diversorum Statutorum in hujusmodi casu provisorum & editorum, *West. Symb. 2 part 133 b. Sect. 218.*

Reparation.

XIII. *West. Symbol. 2 part 155 b. Sect. 344.* An Endictment for not repairing the Pavement of a High-way, which ought to be repaired by a Bishop.

*Kent ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod pars Regiæ viæ apud *S.* in Com. predict' in quantitate viginti pedum jacent' & existent', ex opposito certis terris sive tenementis Domini Episcopi *Cestriæ*, ibidem est ruinosa pro defectu reparationis paviment' ibidem ad grave & commune nocument' populi Domini Regis & quod predict' Episcopus debet facere & reparare predict' paviment' ex suis proprijs expensis & juxta formam Statut' *Sc.*

Reparation.

XIV. *West. Symb. 2 part 156. Sect. 346.* An Endictment against a Bishop and Church-wardens for not repairing of a ruinous and broken Bridge.

*Kent ff.* Juratores pro Domino Rege super Sacrament' suum presentant *Sc.* quod communis Pons apud *S.* adeo ruinosus & confractus existit pro defectu reparationis ejusdem Pontis quod homines per predictum Pontem itinerantes absque magno periculo non possunt itinerare ad Grave & Commune Nocumentum populi Domini Regis: Et quod Dominus Episcopus *Cestriæ* & Guardiani Ecclesiæ Parochialis beatæ *Mariæ* Virginis de *S.* predict' pro tempore Existent' debent reparare sustentare & manutenere predict' Pontem ex suis proprijs Custagijs & expensis, viz. predict' Episcopus ex parte occidentali ejusdem Pontis & prefati Guardiani ex parte orientali.



XV. *West. Symb. 2. part, 156. Sect. 347.* An Endictment for stopping and inclosing the King's Highway with Hedge and Ditch. *Nasauet.*

*Suff. ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod *A. B.* de *Ec.* 6 die *Apr. Ec.* VI & Armis *Ec.* Regiam viam apud *Ec.* tam Fossat' quam sepi injustè obstupavit & inclusit quæ quidem v.a jaceret in vico vocat' *Ec.* & extendit se usque Regiam viam apud Hospitallem Sancti *Cornelij*, ita quod homines neque pedestres neque equestres per predictam viam transire possunt & quod predicta via debet & a tempore quo non extat memoria solebat esse Communis via quousque *A. B.* illam in forma predicta fecillet contra pacem *Ec.* ad grave damnum & commune nocument' Ligeorum dicti Domini Regis, *Ec. infra.*

XVI. *Kilb. Precedents 153.* A Warrant for not chusing Surveyors of Highways on 14 *Car. 2. 6. § 2. N. 1.* *Officers.*

To the Surveyors of the Highways in the Parish of *A.* in the County aforesaid, and to every of them.

*Kent ff.* Forasmuch as the Churchwardens, Constables, Borsholders, and Inhabitants of the said Parish of *A.* did not chuse Surveyors of the Highways aforesaid for this present year of our Lord, *Ec.* but made default of such Choice, against the form of the Statute in that behalf lately made and provided; These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy, collect, and gather the Sum of 5 *l.* by Distress and Sale of Goods of the said Churchwardens, Constables, Borsholders, and Inhabitants rendring to the Parties so distrained the Overplus, if any be, and that you do imploy and bestow the moneys so levied, collected, or gathered in such manner as by the Statute aforesaid is directed and appointed; hereof fail not at your perils. Given under our (*viz. two Justices*) Hands and Seals the 10 day of *Ec.* Anno *Ec.*

XVII. *Kilb. Precedents 154.* A Warrant for not paying a Tax for the Highways, on 14 *Car. 2. 6. § 12. N. 1.* *Taxes.*

To the Surveyors of the Highways in the Parish of *A.* in the County aforesaid, and to every of them.

*Kent ff.* Forasmuch as upon your Complaint it appeateth unto us that the several Persons here under named, have not paid unto you the several Sums here under specified, and severally added to their several Names, Assessed on them for the repairing and amending and enlarging of the Publick and Common Highways in the said Parish, according to the form of the Statute in that behalf made and provided; These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy, collect, or gather by Distress and Sale of the respective Goods of the said respective Persons, double so much Money as was so as aforesaid respectively Assessed on them, rendring to the Parties so distrained the Overplus, if any be, and that you do imploy and bestow the Moneys so levied, collected, or gathered in such manner as by the Statute aforesaid is directed and appointed; hereof fail not at your perils. Given under our Hands and Seals the 10 day, *Ec.* Anno *Ec.*

*A. B.* of *A.* aforesaid 2 *s.*  
*C. D.* of *A.* aforesaid 3 *s. Ec.*

XVIII.

Labours.

XVIII. *Kilb. Precedents* 155. A Warrant for not sending in Teams on 14 Car. 2. 6. §. 4. N. 4.

To the Surveyors of the Highways in the Parish of *A.* in the County afore said, and to every of them.

*Kent. ff.* Forasmuch as upon your Complaint it appeareth unto us, (*viz. two Justices*) that the several Persons here under named, were by you charged to send each of them a Team to work in the Highways in the Parish afore said, according to the form of the Statute in that Case lately made and provided, and yet nevertheless they neglected so to do by the space of such number of days as are here under mentioned, and severally added to their several Names; These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy, collect, and gather by Distress and Sale of the respective Goods of the said respective Persons, the respective Sums of Money here under added to their respective Names, being Moneys by them respectively forfeited for their said Neglects, according to the Statute afore said, rendring to the Parties so distrained the Overplus, if any be, and that you do imploy and bestow the Moneys so levied, collected, or gathered in such manner, as by the Statute afore said is directed and appointed; hereof fail not at your perils. Given under our Hands and Seals the 10 day, &c. in the year, &c.

*A. B.* of *C.* one day 10 s.

*C. D.* of *H.* two days 20 s. &c.

Labours.

XIX. *Kilb. Precedents* 156. A Warrant for not working, on 14 Car. 2. 6. §. 4.

To the Surveyors of the Highways in the Parish of *A.* in the County afore said, and to every of them.

*Kent ff.* Forasmuch as upon your Complaint it appeareth unto us that the several Persons here under named, were by you Charged to come to labour in the Highways in the Parish afore said, according to the form of the Statute in that Case lately made and provided, and yet nevertheless they neglected so to do by the space of such number of days as are here under mentioned, and severally added to their several Names; These are therefore in his Majesties Name to will and require you, and every of you, that you, some, or one of you, do levy, collect, and gather by Distress and Sale of the respective Goods of the said respective Persons, the respective Sums of Money here under added to their respective Names, being Moneys by them respectively forfeited for their said Neglect, according to the Statute afore said, rendring to the Parties so Distrained the Overplus, if any be, and that you do employ and bestow the Moneys so levied, collected, or gathered in such manner, as by the Statute afore said is directed and appointed; hereof fail not at your perils. Given under our Hands and Seals the 10 day of &c. Anno &c.

*A. B.* of *A.* afore said, one day 1 s. 6 d.

*C. D.* of *A.* afore said, two days 3 s. &c.

XX.

XX. *Kilb. Precedents* 157. A Licence to dig in another Parish for Materials 14 *Car. 2. 6. § 7. N. 1.* *Common.*

*Kent ff.* Forasmuch as by the Information of the Surveyors of the Highways in the Parish of *A.* in the County aforesaid, it appeareth unto us, that there is not sufficient Gravel, Chalk, Sand, Cynders, and Stones within the said Parish to repair their Common and Publick Highways, we (*viz.* two Justices) do therefore, according to the form of the Statute in that Case lately made and provided, hereby allow and approve that the said Surveyors, or either of them, and such Person and Persons as they, or either of them shall appoint, shall and may dig, take, and carry away Gravel, Chalk, Sand, Cynders, or Stones, out of any Wast or Common of any Parish, Town, Village, or Hamlet Neighbouring to the Parish aforesaid, or upon the Sea-Coast, without paying any thing for the same, for the repairing and amending of the Highways aforesaid, so as they fill up the place within one Month next after their digging aforesaid, if required by the Owner of the Soil: Given under our Hands and Seals the 10. day, *Sc. Anno Sc.*

XXI. *Kilb. Precedents* 158. An Order what Damgages to pay, *Sc. 14. Car. 2. 6. § 8. N. 1.* *Dammages.*

*Kent ff.* Whereas by Information of the Surveyors of the Highways in the Parish of *A.* in the County aforesaid, it appeareth unto us, that there being not sufficient Gravel, Chalk, Stones, Cynders, and Sand, or other Materials, for to amend and repair the aforesaid Highways within the Common or Wast Grounds of the said Parish, they did according to the form of the Statute in that Case lately made and provided, enter into the Ground of *B. C.* in the Parish aforesaid neer adjoining to the Highways to be repaired, and did dig, take, and carry away Materials which they judged necessary for the said Reparations: And for that difference did arise between the said Surveyors, and the said *B. C.* about the Damgages by the said *B. C.* suffered by the digging and carriage thereof, We do therefore, according to the Statute aforesaid, Assess the Damgages aforesaid at *Sc.* of lawful Mony of *England* which the said Surveyors are to render unto him for the same; Given under our Hands and Seals the 10 day *Sc. Anno Sc.*

XXII. *Kilb. Precedents* 159. A Warrant against Surveyors for not accounting, 14 *Car. 2. 6. § 13. N. 1.* *Account.*

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Common Goal for the said County at *B.* in the County aforesaid.

*Kent ff.* Forasmuch as Complaint hath been made unto us (*viz.* two Justices) that *B. C.* and *D. E.* Surveyors of the Highways in the Parish of *A.* in the said County, for the year *Sc.* have not made such Account touching their said Office, as by the Statute in that behalf lately made, is appointed, and upon Examination of the business upon Oath, we do find the said Complaint to be true, These are therefore in his Majesties Name to require you the said Constable and Borsholders, and every of you, that you, some, or one of you, do take the said *B. C.* and *D. E.* and forthwith convey them to his Majesties Goal aforesaid, and there deliver them to the said Keeper of the same, together with this Precept, requiring also you the said Keeper to receive them into the Goal aforesaid, and them there



there safely to keep untill they have made such true and perfect Account, touching their said Officer, as by the said Statute is appointed; hereof fail not at your perils. Given under our Hands and Seals the 10 day &c. Anno &c.

*Account.*

XXIII. *Kilb. Precedents* 160. A Warrant for not Paying over what is due upon the Account, 14 *Car.* 2. 9. § 13. *N.* 2.

To the Constable and Borsoulders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Common Goal for the said County at *B.* in the County aforesaid.

*Kent ff.* Forasmuch as Complaint hath been made unto us (*viz. two Justices*) that *B. C.* and *D. E.* Surveyors of the High-ways in the Parish of *A.* in the said County for the year &c. had in their hands, upon their Account made touching their said Office, according to the form of the Statute in that Case made, the sum of &c. Overplus, which they have not returned or paid to the next Surveyors, or either of them, as by the said Statute is appointed, and upon Examination of the business upon Oath, we do find the said Complaint to be true: These are therefore in his Majesties Name to require you the said Constable and Borsoulders, and every of you, that you, some or one of you, do take the said *B. C.* and *D. E.* and forthwith convey them to his Majesties Goal aforesaid, and there deliver them to the said Keeper of the same, together with this Precept, requiring also you the said Keeper to receive them into the said Goal aforesaid, and them there safely keep untill they have made payment of the said, &c. to the aforesaid next Surveyors, as by the said Statute is appointed; hereof fail not at your perils. Given under our Hands and Seals the 10 day &c. Anno &c.

*Appovment.*

XXIV. *Crompt.* 257. a. b. pl. 84. An Indictment for inclosing a Common High-way, *supra.*

*Staff. ff.* Inquiratur pro Domino Rege si *E. S.* nuper de *W.* in Com. predicti Gen' secundo die *Maij* Anno &c. partem cujusdam viae Regiae in *W.* in Com. predicti ducent' a *W.* Predicti usque ad *S.* in eodem Com. *viz.* a predicti &c. usque ad quendam foveam in *S.* predicti vocat' le *Common Pit*, in eadem via existent cum sepe & fossa inclusit & obstruxit & eandem viam Regiam sic inclusam a predicto secundo die *Maij* usque diem captionis hujus inquisitionis in Pasturam convertebat & custodiebat & adhuc custodit in malum & perniciosum exemplum aliorum & ad grave damnum & commune nocument' omnium ligeorum subditorum dicti Domini Regis ibidem prope Inhabitantium, ac contra formam diversorum Statutorum in hujusmodi casu editorum & provisorum, & contra pacem dicti Domini Regis &c.

*Reparation.*

XXV. *Crompt.* 264 b. pl. 101. A Presentment for a Bridge in decay.

*Staff. ff.* Juratores pro Domino Rege super Sacrament' suum presentant &c. quod quidam Pons situat' super aquam de *Trent* in Parochia de *Newark* in Com. predicti vocat' *N. Bridge*, existens in Regia via est ruinosus, & in magno decasu, ita quod ligei Domini Regis in per super vel ultra eundem Pontem absque magno periculo transire seu laborare non valent ad commune nocument' omnium ligeorum dicti Domini Regis trans & ultra Pon-

Pontem predict' transeunt' & quod Dominus Rex nunc ratione tenuræ seu manerij de N. super T. cum pertinent' in Com. predict' Pontem illum facere reparare & emendare debet & quod idem Dominus Rex & omnes Progenitores sui ac omnes alij quorum Status idem Dominus Rex modo habet in eodem Manerio de N. super T. cum pertinentijs Pontem illum facere reparare & emendare consueverunt de tempore cujus contrarium memoria hominum non existit toties quoties necesse fuerit, in cujus, &c. *Crompt. 186. Dalt. 41. cap. 13.*

XXVI. *Dalt. 68, 69. cap. 26.* At Lent-Affizes at Cambridge, Anno 1622. *App. ouement.* Sir James Lee delivered it in his Charge, that if any Person hath made or shall make any inclosure next the Kings High-way, that such Person shall be charged to Amend the High-way adjoining to his said Inclosure; and if one Man hath inclosed on the one side or part, and another Man of the othet side, they shall be both charged to Amend the said way.

2. Otherwise High-ways must be sufficiently Amended at the charge of the whole Town, and it is not enough for the Inhabitants to do their full six days work yearly, except their ways be well and sufficiently repaired; for if all their said Ways, be not sufficiently Amended, the whole Town may be indicted therefore *F. N. B. 235. Register 154.* *Reparation.*

3. Also concerning the Causey neer Cambridge, called Dr. Harveys Causey (towards the repair whereof Dr. Harvey hath given 8 l. per Annum payable by the Master and Fellows of Trinity-Hall in Cambridge) Sir James Lee said that if this 8 l. per Annum were not sufficient to repair the said Causey, that then the Towns adjoining within which that Causey or way doth lye, ought to help to repair the same. *Taxes.*

XXVII. *Dalt. 72. cap. 26.* Again, if one occupieth a Plow-land in Pasture, viz. six or eight score Acres, or more of Pasture, for feeding of Cattle, but keepeth neither Cart nor Plow, how shall he be charged to find a Cart or Draught that keepeth more, and yet the words of the Statute seem to charge him, 18 Eliz. 10. § N. *Rast. Entr. 199.* *Taxes.*

XXVIII. *Kilb. Precedents 229.* A Warrant to Collect the Tax for repairing Country-Bridges, 22 H. 8. § N. *Taxes.*

To A. B. and C. D. Inhabitants of the Hundred of E. in the said County, and to every of them.

*Kent ss.* These are in his Majesties Name to command yon, that you do forthwith collect and gather the several Sums of Mony specified in the Taxation herewith all delivered unto you, of the several Persons therein mentioned to be Taxed upon them for the purpose in the said Taxation specified, and that you do pay the same unto R. T. whom we (viz. four Justices, Quorum unus) have appointed General Receiver of the Moneys raised for the purpose aforesaid within this Division of the several Hundreds, on or before the second day of May, deducting out of the same only 5 s. as by us allowed unto you, for and towards your pains in Collecting and paying in of the same, and in Case of refusal or neglect of payment of any of the said Parties so Taxed of the Money taxed upon them, as aforesaid, after demand made thereof by you, or either of you, that then you do certifie unto us, or some, or one of us the Names of the said Persons so refusing or neglecting, with all convenient speed, to the end that such further proceeding may be had thereupon as to Justice doth appertain: Given under our Hands and Seals the 10 day Ec. Anno Ec.

Taxes.

XXIX. *Kilb. Precedents* 230. A Warrant for not paying the same Tax Collected for Bridges, on 22 H.8. 5.9 N.

To the Constable and Borsoulders of the Hundred of *A*, in the said County, and to every of them.

*Kent ff.* Forasmuch as Complaint hath been made unto us by *R. T. &c.* by us appointed Collectors and Gatherers of the Moneys imposed upon the said Hundred, for and towards the reparations of the several Bridges of *D.* in the said County, that the several Persons whose Names are here under written have refused to pay unto them the several Sums of Mony adjoyned to their several Names, being Taxed upon them for the purpose aforesaid, although the same have been duly demanded of them; These are therefore in his Majesties Name to command you, that you, some, or one of you, do cause the said several Persons to come before us, or one of us, or some other Justice of the Peace of the said County, to answer to the Premisses, and further to do and receive as to Justice doth appertain, unless they shall forthwith pay the said Moneys unto you, some, or one of you, which if they shall so do, that then you so receiving the same, do forthwith pay the said Moneys so received unto the said *R. T. &c.* or one of them, to the end that the same may be by them paid over to the General Receiver of the Moneys raised for the purpose aforesaid, by us formerly appointed; hereof fail not at your perils. Given under our Hands and Seals at *D. &c.* the 10. day &c. Anno &c.

Charity.

XXX. *Crompt.* 200 b. the Bishop and his Chancellor and three Justices of the Peace have Power to Examine how Mony, or other Relief appointed by King, *H. 8.* or by any other, to the use of Poor, or to the Amendment of High-ways or Bridges, is bestowed, and to call to account the detainers thereof, 14 *Eliz.* 5. 9 N.

Reparation.

XXXI. *Crompt. J. P.* 82. Enquiry at Sessions of Common Bridges decayed, whither any ought to repair them by Prescription, or by their Tenure, or by reason of any Lands that they have, and what Lands they are, &c. 22 *H. 8.* 5.

2. *Item*, Whether every Person for every Plow-land in Tillage or Pasture that he hath and occupieth, and every other Person who keeps a Draught or Plow within the Parish where he abides, sends at every day and place to the Reparation of the High-ways, a Wayn or Cart furnished according to the Custom of the Country, with Oxen, Horses or other Cattle, and every thing necessary for that purpose, and two able Men therewith, on pain for every default of Draught 10 s. each day, 2 & 3 *Ph.* and *Mar.* 8. and 27 *Eliz.* 12.

3. *Item*. Whither every other Houholder, Cottager, and Laborer of this Parish, who can labor, not being any retained Servant by the year, by themselves, or by other sufficient Laborers for them, labor in the Amendment of the High-ways, on pain of 12 d. for every default, 2 and 3 *Ph.* & *Mar.* 8.

4. *Item*, Whither every one who doth not inhabit in *London*, assessed to 5 l. in Goods or 40 s. in Lands to the subsidy, so long as he is so assessed, and is not Chargeable by 2 and 3 *Ph.* and *Mar.* 8. if he be not a Cottager, hath found to the Amendment of the High-ways two lawful Men to labor in the said ways, 18 *Eliz.* 9.

5. *Item*,



5. *Item*, Whither every one that occupieth a Plough-land in Tillage or Pasture, lying within several Parishes, hath found a Carriage where he inhabits, to the Reparation of the High-ways, 18 *Eliz.* 9.

6. *Item*, Whither he that hath several Plow-lands in divers Villis, hath come in each Vill or Parish with a Cart, Wayn, or Tumbrel, to the Amendment of the High-ways there, 18 *Eliz.* 9.

7. *Quære* if the said Statute 18 *Eliz.* 9. gives the same pain in the said last Cases for those that make Default, as 2 and 3 *Pb.* and *Mar.* 8. § *N.* gives.

8. *Item*, The Surveyors should present the Defaults of the aforesaid Persons to the next Justice of Peace within a Month next after the Offence, on pain of 40 *s.* and the Justice must certifie it to the next Sessions on pain of 5 *l.* 5 *Eliz.* 13.

9. Such who are appointed to be Surveyors of High-ways; must take the Office upon them on pain of 20 *s.* on refusal 2 and 3 *Pb.* and *Mar.* 8.

10. If Carriages be not necessary, then he shall not send Carriages, but shall send two able Men for every Carriage so spared to labor, for that day on pain of 12 *d.* for every Man not sent, 2 and 3 *Pb.* and *Mar.* 8.

11. The Owner of the Lands adjoyning shall cleanse, scowr, repair, and keep the Hays, Fences, Ditches, or Hedges next adjoyning to the High-way, on every side, and all Woods and Bushes growing in the High-ways, shall be cut by the Owner on pain, of 10 *s.* for every default, 5 *Eliz.* 13 and 18 *Eliz.* 9. see 39 *Eliz.* 19. for repairing of the High-ways in *Sussex* &c.

XXXII. *Crompt.* 7. P. 94. Enquiry in Sessions if the High-ways of Market Towns be enlarged and cleansed from Wood and Underwood, by the space of 200 foot on each side, if there be no Oaks and Great Trees, so that all be clear under them.

2. If Robbery be done by default of not cleansing or keeping of the said Ways, he that should do it, shall answer for the Robbery and for the Murder done there, and shall be fined to the King at his will 13 *Ed.* 1. St. 2. *Winch.* 5.

*Way-laying*, see *Coron.*

*Waifs*, see *Coron*, *Chattels*.

*Wainlings*, see *Cattel*.

### *Wales.*

- I. **L** *Ambert* 610. The Quarter Sessions are to enquire, hear, and determine on 26 H. 8. 5. of Passage over the *Severn*, *Crompt.* 95 b.
2. Of 3 *Jac.* 23. for making up of *Chepstow Bridge*.
  3. Of 3 *Jac.* 24. for re-edifying a Bridge over *Severn*.

### *War.*

#### *Guns, Hand-Guns, Shooting, Captains, Souldiers, Musters.*

- I. **L** *Ambert* 475. Enquiry in Sessions if any Person being generally or specially Commanded to Muster before any having Authority for the same, have without true and reasonable Cause absented himself, or have not brought with him in readiness his best Furniture of Array and Armour of his own Person, *Crompt.* 48 b. 4 & 5 *Phil.* & *Mar.* 3. § N.
2. If any Person authorized to Muster, or to levy Men for the King's Service in War, have taken any Reward for the discharge or sparing of any Person from that Service.
  3. Or if any Person having Charge of Men for Warfare, have not paid to his Souldiers their whole Wages, Conduct and Coat-money, or have for any gain licenced any of them to depart out of the Service, 2 & 3 *Ed.* 6. 2. § N.
  4. If any Souldier serving the King in his Wars, have given away, wilfully purloined, or put away any Horse, Gelding, Mare, or Harness wherewith he was set forth, 2 & 3 *Ed.* 6. 2. § N. *Crompt.* 89 b. 125 b. 155. *Dalt.* 134. *bis. cap.* 52.
- II. *Lambert* 422, 423. Enquiry in Sessions if any Souldier, entred a Souldier of Record, and having taken part of the King's Wages, or any Mariner or Gunner, having taken present Wages to serve the King on the See, have not accordingly gone to his Captain, unless he were letted by notorious Sicknes or other Judgment from God, or have departed from his Captain without his Licence under his Seal, 18 H. 6. 19. § N. & 2 & 3 *Ed.* 6. 2. § N. 4 & 5 *Ph.* & *Mar.* 3. § N. & 5 *Eliz.* 5. § N. But consider whether this Enttring of Record have any use now, *Crompt.* 117 b. § 20.

2. If any Souldier or Mariner, or other Person, as Souldier or Mariner, have wandred idle without setting himself to Service, Labor, or other lawful course of Life, and hath not repaired to his place of Birth or Dwelling, and had not a lawful Testimonial from a Justice of Peace, of or near the place where he landed, or hath counterfeited such Testimonial, or hath carried the same, knowing it Counterfeit, 39 *Eliz.* 17. *Dalt.* 135. (*vis*) *cap.* 32.

III. *Lambert* 295, 296. Every Person finding or seeing any to offend the Statute made against the shooting in Cross-bows and Hand-Guns, may arrest and bring, or convey him to the next Justice of Peace of the County where he was found offending, who upon due Examination and Proof thereof before him made, may by his Discretion Commit him to the Goal, there to remain till he shall truly pay the one Moiety of the Forfeiture of this Statute to the King, and the other Moiety to such first bringer or conveyor, 33 *H.* 8. 6. 6. *N.* *Dalt.* 64. *cap.* 24. Guns.

2. In this and such other Cases the Justice of Peace having, as it seemeth, the whole matter committed to himself alone, ought to be wary and circumspect, lest either he rashly condemn the Guiltless, or negligently suffer the Guilty to Escape, *Dalt.* 65, 66. *cap.* 24.

3. And upon the Offence sufficiently proved, it is necessary that in his *Mittimus* or Precept to the Goaler, there be contained the Names of the Parties, with the manner of the Offence, and how long time he is to be kept in Prison for it.

4. Furthermore, he is to make a Record of the Matter, and to send the Estreat of it into the *Exchequer*, whereby the Barons may, upon Intelligence thereof, cause the King's Duty to be levied to his use.

IV. *Lambert* 296, 297. A *Mittimus* for unlawful shooting in a Cross-bow or Hand-gun, 33 *H.* 8. 6. 6. *N.*

To the Keeper of his Majesties Goal at *M.* in the said County, and to his Deputy or Deputies there, and to every of them.

*Kent* ff. Forasmuch as this present day *A. B.* and *C. D.* of *H.* in the said County, Yeomen, did arrest and bring before me at *H.* aforesaid, one *J. S.* of *H.* in the said County, Mariner, whom they had seen and found the same day, as they said, shooting in a Hand-gun, charged with Powder and a Pellet at a Coney, in a certain place in *C.* within the said County, called the *Church-field*, contrary to the Law of this Realm, and thereupon praid me that Justice might be done in that behalf; *J. L. Kt.* being the next Justice of Peace in the said County to the place aforesaid, did then at *H.* aforesaid, upon the said Request, take the Examination of the said *J. S.* and did then also and there hear the Proofs of them the said *A. B.* and *C. D.* touching the said Offence, and for that it did then manifestly appear unto me, as well by the Testimonies of them the said *A. B.* and *C. D.* as also by the plain Confession of him the said *J. S.* that he had not then Lands, Tenements, Fees, Annuities, or Offices to the clear yearly value of 100 *l.* and that he had shot in the said Hand-gun in manner and form as is aforesaid, I do send unto you herewith the Body of him the said *J. S.* as lawfully Convicted of the said Offence before me, requiring you in his Majesties Name to receive him unto your said Goal, and him there safely to keep as his Majesties Prisoner, until that he shall have truly paid the Pain and Forfeiture of 10 *l.* of lawful Money of *England*, laid upon him for his said Offence by the Statute thereof, made in the 33th year of the Reign of the late King *Henry* the Eighth, that is to say, the



the one Moiety thereof to our said Sovereign Lord, and the other Moiety to them the said *A. B.* and *C. D.* the first bringers of him before me, and this shall be your sufficient Warrant in this behalf; hereof fail you not as you will Answer for your Contempt at your own peril. Given at *H.* aforesaid the 20th day of *March*, in the second year of the *Reign, &c.*

By me the said *K. L.*

*V. Lambert* 298, 299, 300. The Record of Conviction for shooting in a Hand-gun, contrary to 33 *H. 8. cap. 6.*

*Kanc. ff.* Memorand' quod 20 die *Maij* Anno Regni *Ec. A. B. & C. D.* de *H.* in Com. predict' Yeomen, quendam *J. S.* de *F.* in dicto Comitatu' *Mariner*, invenerunt & viderunt apud *C.* in Com. predict' die & Anno supradict' cum quodam Tormento, Anglice vocat' a *Hand-gun*, onerato pulvere tormentario & globo plumbeo Anglice Charged with *Gunpowder and a leaden Bullet*, in quendam cuniculum ad tunc existent' in quodam loco ibidem vocat' *C.* Sagittantem & exonerantem dictum tormentum contra formam Statuti in Parliament' Domini *H.* nuper Regis *Anglie* 8. apud *Westm'* Anno Regni sui 33. tent' provisi ac editi: ac proinde die & Anno supradict' prefat' *J. S.* arrestaverunt & apud *H.* predict' coram me *J. L.* Milite, uno (& dicto loco) proximo Justiciariorum dicti Domini Regis ad Pacem in dicto Com' conservand' necnon ad diversas transgressiones & alia malefacta in eodem Comitatu perpetrata audiend' & terminand' assignat' ad tunc una secum adduxerunt, petentes inde justiciam fieri: Qua quidem petitione audita ego prefat' *J. L.* apud *H.* predict' die & Anno supradict' debite super inde examinaui prefat' *J. S.* ac probationes predict' *A. B. & C. D.* in hac parte cepi ac propterea quod tam per probationes predict' quam per Confessionem ipsius *J. S.* ad tunc & ibidem aparuit mihi manifeste quod prefat' *J. S.* cum non haberet in Jure suo proprio nec in Jure uxoris suae ad usum suum proprium nec aliqui alij ad usum ejusd' *J. S.* haberent terras tenement' feoda Annuitates aut Officia ad clarum Annum valorem 100 *l.* in Tormento predict' modo & forma predict' sagittasset contra formam Statut' predict' ego prefat' *J. L.* prenominat' *J. S.* die & Anno supradict' proximae Goalae dict' Domini Regis apud *M.* in Com. predict' de transgressione predict' coram me Convictum Commisi, ibidem moraturum quousque penam & forisfacturam decem librarum legalis monetæ *Anglie* vere solveret, viz. unam medietatem inde dicto Domino Regi & alteram medietatem inde dictis *A. B. & C. D.* primo ejusdem *J. S.* coram me ductoribus & quorum omnium fidem & testimonium ego prefat' *J. L.* hiis presentibus sigillum meum apposui. Datum apud *H.* predict' die & Anno primum supradict'.

Per me prefat' *J. L.*

2. And every Person, other then such as are so Authorized by the yearly value of 100 *l.* as is aforesaid, ought, if he be licenced to shoot in Cross-bow or Hand-gun, and do inhabit in the Country, to present his Name to the next Justice of Peace adjoining: and thereupon the Justice ought to present and record the same before the Justices of the Peace at the next Quarter Sessions, 2 & 3 *Ed. 6. 14. & N.* But learn of others, whether this part is to have continuance still, or else did only extend to such Persons as had Licence at that time, *Dalt. 66. cap. 24.*

VI. *West. Symbol. 2. part 129 b. Sect. 202.* An Endicement for shooting Hailshot in a Hand-gun, 2 & 3 *Ed. 6. 14. § N.*

*Kent ff.* Inquiratur pro Domina Regina quod cum in Statuto in Parliament' Domini *Edw.* nuper Regis *Angliae* sexti apud *Westm.* Anno Regni sui secundo inter alia ordinat' & inactitat' existit quod nulla persona subter gradum Domini Parliament' ex tunc deinceps sagittaret in aliquo Tormento infra Civitat' vel Villam ad aliquam volucem sive aliam metam super Ecclesiam Domum aut Columbar' neque quod aliqua persona sagittaret in aliquo loco, aliquam sagittationem vocat' *Hailshot*, aut plures glandines plumbeas quam unam uno tempore sub pœna forisfact' 10 libr' pro quolibet tempore in quo ipse contra Statut' predict' delinqueret & imprisonament' Corporis sui per spatium trium Mensium prout in Statut' predict' plenius continetur: Quidam tamen *J. C.* nuper de *B.* in Com. *R. Ycoman*, Statut' predict' minimè ponderans nec pœnam in eodem content' aliquam verens 5 die *Junij Sc.* in quodam Torment' Anglicè vocat' a *Hind-gun* onerat' pulvere et glandinibus plumbeis Angl' *Charged with Powder and Hailshot*, in quendam Anat' ad tunc in quadam palude in commune Campo vocat' *Netherfield* de *B.* in Com. *K.* predict' existent' sagittavit et exoneravit Angl' *discharged*, contra formam Statuti predicti ac contra Pacem dictæ Dominae Reginae nunc Coron' et Dignitatem &c.

7. *Crompt. 94.* See 43 *Eliz. 3.* How Souldiers and Mariners, maihmed *Peer.* in the Wars, in the King's Service, shall be relieved, which is to continue to the end of the next Session, &c. which was 1 *Jac. 25.* and thence its continued to the next, 39 *Eliz. 21.*

VIII. *Crompt. 195 b. pl. 24.* One Justice of the Peace may Commit *Justices.* him that sells the Harnels or Horses with which he shall be sent into the Wars, until he hath satisfied the Owner, &c. by 2 & 3 *Ed. 6. 2. § N.*

XI. *Dalt. 66. cap. 24.* Note, that the Sheriff, or any of his Officers, for the better Executing of their Office, may carry with them Hand-guns, *Guns.* Daggers, or other Weapons, invasive or defensive, notwithstanding, 33 *H. 8. 6. § N. 5 Co. 72.*

X. *West. Symb. 2. Part 113. Sect. 135.* An Indicement for not keeping of a light Horse, 4 & 5 *Ph. & Mar. 3.*

*Essex ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod ubi *A. B. de C.* in Com. *E.* predict' Gen' a primo die *Junij* Anno Regni &c. usque in hunc presentem diem, scil. primum diem *Maij* Anno &c. terras et tenement' in *C.* predict' in dicto Comitatu *E.* eidem *A. B.* et heredibus suis in feodo simplici ad clarum Annuum valorem Centum Marcarum et amplius ultra omnes reprisas habuerit ac tenuerit, idem tamen *A. B.* per totum tempus predict' viz. a dicto primo die *Junij* Anno supradict' usque nunc nullum habuit custodivit manutenuit aut sustinuit equum castrat' Angl. dict' a *Guilding*, habilem et idoneum pro levis Armaturæ Equite Anglice *able and meet for a light Horsman*, in dicti Domini Regis contempt' ac in magnum hujus Regni sui *Angliae* enervationem necnon contra formam cujusd' Statut' in Parliament' *Ph. et Mar.* nuper Regis et Reginae *Angliae* tent' apud *Westm.* Anno Regnorum suorum quarto et quinto in hujusmodi Casu provisi ac editi.

*Warrants, see Process.*  
*Warrenors, see Forest.*  
*Watch, see Fresh-Suit.*

### Wax.

**I.** *L. Ambert 196.* Every Justice of Peace may Examine and search by his Discretion such as do sell or set forth to be sold any Candles, or other Works of Wax, at higher Price than after the rate of four pence the pound over the common price of plain Wax between Merchant and Merchant, and may also punish them by forfeiture of the work set forth to Sale, and of the value of that which is sold, and by Fine to the King, *11 H. 6. 12. § N.* as it seemeth by the large words of that Statute, *Lambert. 461.* Enquiry in Sessions *Dalt. 141. cap. 62. Crompt. 92. 92.*

*Watermen, see Sewers.*  
*Wears, see Sewers.*  
*Weights, see Measures.*  
*Weapons, see War.*  
*Weavers, see Drapery.*  
*Wife, see Baron and Feme.*  
*Wildfowl, see Fowl.*

### Wine.

**I.** *L. Ambert 451.* Enquiry in Sessions, if any Person Authorized to sell Wine by retail, have within this year sold the same above the Prices thereof limited by the Kings Proclamation, if there have been any, *5 Eliz. 5.*

**II.** *Crompt. 95. Nota per Shard 27 Aff. 22.* That he that sells Wine against the Assize of the Law, shall forfeit the whole Tonnel.

**III.** *Dalt. 175. cap. 74. Edit. 1666.* Every Justice of Peace as, it seemeth, by the words of the Statute, *24 H. 8. 6. § N.* within the precinct of his Office, at the request of any Subject to whom denial of Sale shall be made of any Wine, and full payment therefore offered, according to the Prices set down by the Lords &c. may enter into the places where such Wine shall lie, and may sell and deliver the same Wine desired to be bought to the Person requiring to buy the same, taking the buyers money towards the Satisfaction of the Forfeiture &c. *21 Jac. 28. § N.*



2. *Note*, That no Person may sell any Wine in any Town, not Corporate, but by Licence of the Justices of Peace in open Sessions by writing under the Several Seal of every of the said Justices, upon pain of 5 *L.* for every day of so offending, *Co. Entr.* 370. *Finches Case*, who recovered 500 *L.* in an Information upon 7. *Ed. 6.* 5. § *N.* notwithstanding the Queens Licence there pleaded in Bar of the said Action.

3. And by 7 *Ed. 6.* 5. § *N.* in Towns Corporate no Person to sell but by Licence of the Maior, Aldermen, &c. and that under the common Seal of the Corporation upon the same penalty, *quod Nota.* See 12 *Car. 2.* cap. 25.

*Witness, see Proof.*

*Wood, see Drapery.*

Woods.

I. *Lambert* 404. There be sundry Laws that do give to Justices of the Peace a certain special or particular Power in them, and do not yet yield unto them any Authority to enquire upon the same, as 35 *H. 8.* 17 § 7. *N. 2.* of Woods &c.

II. *Lambert* 355. Two Justices of Peace not being of kindred, Alliance, Counsel, or Fee to the Lord or Owner of a Wood, appointed by the more part of the Justices of Peace at their Sessions, upon Complaint of the Lord made unto them, may divide and set out the fourth part of it, if the Lord and Commoners thereof, being first called before them, cannot agree upon it, 35 *H. 8.* 17. § 7 *N. 2.* 13 *Eliz. 25.* *Crompt. 200 Ab. Dalt. 142. cap. 64.*

III. *Lambert* 601. Justices of the Peace may in their open Quarter-Sessions call before them the Owner of a Wood, and 12 of the Commissioners there, for setting out the fourth part thereof, 35 *H. 8.* 17. § 7. *N. 2.*

IV. *Kilb. Precedents* 220. A Warrant to search for stolen Wood, &c. upon a particular complaint to one Justice, on 15 *Car. 2.* 2. § 2. *N. 3.*

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them.

*Kent ff.* Forasmuch as complaint hath been made unto me by *A. B.* Wood (Under-wood, Poles, young Trees, Bark, or Bast of Trees, Gates, Stiles, Posts, Pales, Rayles, Hedgwood, Broom or Furze) were within five days now last past taken out of his Lands in *L.* in the said County, and hath prayed such relief from me therein, as by an Act of Parliament in such cases lately made, I am Authorized to give; These are therefore in his Majesties Name to will and command you, and every of you, that you, some, or one of you, do enter into and search the Houses, Outhouses, Yards, Gardens, or other Places belonging to the Houses within the said Hundred, of all and every Person or Persons, which you shall suspect to have any of the said Wood, &c. and wheresoever you shall find any such, to Apprehend or cause to be Apprehended, all and every Person or Persons suspected for the cutting and taking of the same,

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and

and them, and every of them, as also those in whose Houses, or other Places belonging unto them, any such Wood &c. shall be found, to bring before me or some other of his Majesties Justices of the Peace of the said County, to be proceeded against as by the said Act is directed; hereof fail not at your perils, Given under my Hand and Seal the 10 day &c. Anno &c.

*V. Kilb. Precedents 221.* A General Warrant to search for stolen Wood, on 15 Car. 2. 2. § 2. N. 3.

To the Constable and Borsholders of the Hundred of *A.* and to every of them.

*Kent ff.* Forasmuch as it is observed in these parts of the said County, that Woods, Under-woods, Poles, Young Trees, Bark, or Bast of Trees, Gates, Stiles, Posts, Pales, Rayls, Hedgwood, Broom and Furze, are unlawfully cut, stolen, spoiled, and taken away from the lawful Owners of the same, contrary to an Act of Parliament lately made, intituled, *An Act for the punishment of unlawful cutting or stealing, or spoiling of Wood and Underwood, and destroyers of young Tymber Trees*: These are therefore in his Majesties Name to charge and command you, and every of you, that you do with all convenient speed enter into and search the Houses, Outhouses, Yards, Gardens, or other places belonging to the Houses within the said Hundred, of all and every Person or Persons which you shall suspect to have any kind of such Wood, Underwood, Poles, or young Trees, or Bark or Bast of any Trees, or any such Gates, Stiles, Posts, Pales, Rayls, or Hedgwood, Broom or Furze, and wherefoever you shall find any such, to Apprehend or cause to be Apprehended all and every Person and Persons suspected for the cutting or taking of the same, and them and every of them in whose Houses, or other Places belonging to them, any such Wood, Underwood, Poles, or young Trees, or Bark or Bast of any Trees, or any Gates, Stiles, Posts, Pales, Rails, or Hedgwood, Broom or Furze shall be found, to bring before me, or some other of his Majesties Justices of the Peace for the said County, to be proceeded against as by the said Act is directed; hereof fail not at your perils. Given under my Hand and Seal the 10 day &c. Anno &c.

*VI. Kilb. Precedents 222.* An Order against a Person Apprehended with Bundles &c. of Wood, &c. to make satisfaction &c. for the same to the Owner; The 1 Offence 15 Car. 2. 2. § 3. N. 1.

*Kent ff.* Forasmuch as *A. B.* of *C.* was within five days last past Apprehended by *J. S.* An Officer (or Inhabitant of *Ec.*) having (or carrying or any ways conveying) a Bundle of (any kind of) Wood &c. and this day brought before me to give account how he came by the said Wood &c. by the consent of the Owner, according to an Act of Parliament lately made, intituled, (*An Act for the punishment of unlawful cutting or stealing or spoiling of Wood and Underwood and destroying of young Tymber Trees*) and for that he did not give such account thereof, as did satisfie me, nor produce the party of whom he bought the same, or any other credible witness to depose upon Oath such sale thereof, whereby he is according to the said Act by me deemed and adjudged as convict of the Offence of cutting and spoiling of the said Wood, &c. within the meaning of another Act of Parliament, which was made in the forty third year of the Reign of the late Queen *Elizabeth*, intituled, *An Act to Avoid and prevent misdemeanors in idle and lewd Persons*; and forasmuch as it appeareth unto me that *C. D.* of *Ec.* was lawful Owner of the said Wood &c. I do therefore,

fore according to the said first before mentioned Act, order and appoint that the said *A. B.* shall within six days now next ensuing, give the said *C. D. &c.* the Sum of *£*. of lawful Money of *England*, for recompence and satisfaction for his Damages, and that the said *A. B.* shall over and above pay down presently unto the Overseers for the use of the Poor of the Parish of *T.* in the said County, where the said Offence was committed the sum of *£*. of lawful Mony. Given under our Hands and Seals the 10 day *£*. Anno *£*.

VII. *Kilb. Precedents* 223, 224. A Warrant for not obeying the Justices Order, 5 *Car. 2. 2. § 3. N. 2.*

To the Constable and Borsoulders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of the House of Correction for the said County at *B.* in the County aforesaid.

*Kent ff.* Whereas *A. B.* of *C.* within 8 days last past, was Apprehended by *J. S.* Officer (or Inhabitant) *£*. having *£*. a Bundle of Wood *£*. and lately brought before me to give account how he came by the said Wood *£*. by the consent of the Owner, according to an Act of Parliament lately made, Intituled (*An Act for the punishment of unlawful cutting or stealing or spoiling of Wood and Underwood, and destroyers of young Tymber trees*) and for that he did not give such an account thereof, as did satisfie me, nor did produce the Party of whom he bought the same, or any other credible Witness to depose upon Oath such Sale thereof whereby he was then according to the said Act by me deemed and adjudged as convict of the Offence of cutting and spoiling of the said Wood, *£*. within the meaning of one other Act of Parliament which was made in the forty third year of the Raign of the late Queen *Elizabeth*, Intituled (*An Act to avoid and prevent divers Misdemeanors in idle and lewd Persons*) and whereas it then appeared unto me that *C. D.* of *£*. was Owner of the said Woods, *£*. and I did therefore according to the said first before mentioned Act, order and appoint that the said *A. B.* should within 6. days then next ensuing; give the said *C. D. &c.* the Sum of *£*. of lawful Mony of *England* for recompence and satisfaction for his Damages: And that the said *A. B.* should over and above pay down then presently to the Overseers, for the use of the Poor of the Parish of *T.* in the said County, where the said Offence was committed, the Sum of *£*. of like Mony, and forasmuch as the said *A. B.* did not according to the said order and Appointment give or pay the Moneys aforesaid, These are therefore in his Majesties Name to charge and command you the said Constable and Borsoulders, and every of you, forthwith to convey the said *A. B.* to the aforesaid House of Correction, and him there deliver to the Keeper of the same together with this Precept, commanding also you the said Keeper to receive him into the said House, and him there detain by the space of Days next after such your receipt of him; hereof fail not at your perils. Given under my Hand and Seal the 10. day *£*. Anno *£*.

2. *Nota*, The Justice may, if he think fit, not send the Offender to the House of Correction, but may make a Warrant to the Constable, *£*. to whip him, which may be made with the same recitals, as in the last Precedent Warrant *£*. thus.

These are therefore in his Majesties Name, to charge and command you to whip the said *A. B.* for the said Offence; hereof fail not *£*.



VIII. *Kilb. Precedents* 225. A *Mittimus* to the House of Correction for the second like Offence, on 15 *Car. 2. 2. § 3. N. 3.*

To the Constables and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of the House of Correction for the said County aforesaid at *B.* in the County aforesaid.

*Kent ff.* Whereas *Sc. ut supra*, and after 43 *Eliz. 7.* thus; and forasmuch as the said *A. B.* was once before Convict of the said Offence, and was thereof so Convicted as before, These are therefore in his Majesties Name to Charge and Command you the said Constable and Borsholders, to convey the said *A. B.* to the aforesaid House of Correction, and there deliver him to the Keeper of the same, together with this Precept, Commanding also you the said Keeper to receive him into the said House, and there keep him one Month to hard labour; hereof fail not at your perils. Given under my Hand and Seal the 10 day *Sc. Anno Sc.*

IX. *Kilb. Precedents* 226. An Order against the Buyer of stoln Wood, *Sc. 15 Car. 2. 2. § 4. N. 1.*

*Kent ff.* Forasmuch as upon Examination by me this day, according to an Act of Parliament lately made, Intituled, (*An Act for the punishment of unlawful cutting or stealing or spoiling of Wood and Underwood, and destroying of young Timber-trees*) it appeared unto me that *A. B.* of *Sc.* did within six days last past buy a burthen of Wood, (Piles, Sticks, Underwood, young Trees, Bark or Bas, Gates, Stiles, Posts, Pales, Rails, Hedgwood, Broom or Furz) of *E. F.* being a Person justly suspected to have unlawfully come by the same, and that the same was unlawfully come by, and unlawfully taken from *C. D.* of *Sc.* and was of the value of *Sc.* of lawful Money of *England*, I do therefore, according to the said Act, Award that the said *A. B.* shall pay to the said *C. D.* the Sum of *Sc.* of lawful Money of *England*, being the treble value of the Wood *Sc.* aforesaid. Given under my Hand Seal the 10 day *Sc. Anno Sc.*

X. *Kilb. Precedents* 227. A Warrant to levy Money upon the Buyer of stoln Wood, 15 *Car. 2. 2. § 4. N. 2.*

To the Constable and Borsholders of the Hundred of *A.* in the said County, and every of them.

*Kent ff.* Whereas lately by Examination by me taken, according to an Act of Parliament lately made, Intituled, (*An Act for the punishment of unlawful cutting or stealing or spoiling of Wood and Underwood, and destroying of young Timber-trees*) it appeareth unto me that *A. B.* of *Sc.* did within six days last past, buy a burthen of Wood *Sc.* of *E. F.* being a person justly suspected to have unlawfully come by the same, and that the same was unlawfully come by, and unlawfully taken from *C. D.* of *Sc.* and was of the value of *Sc.* of lawful Money of *England*, I did therefore, according to the said Act, Award that the said *A. B.* should pay to the said *C. D.* the Sum of *Sc.* of lawful Money of *England*, being the treble value of the Wood, *Sc.* aforesaid, and forasmuch as the said *A. B.* hath not paid to the said *C. D.* the aforesaid Sum of *Sc.* according to my said Award;

Award; These are therefore in his Majesties Name to Charge and Command you to levy the said Sum of *£c.* by Distress and Sale of the Goods of the said *A. B.* rendring to him the Overplus, and after you have so levied the said Sum of *£c.* forthwith to pay the same to the said *C. D.* hereof fail not at your perils; Given under my Hand Seal the 10 day *£c.* Anno *£c.*

XI. *Kilb. Precedents* 228. A *Mittimus* against the Buyer of stolen Wood, *£c.* for want of Distress, on 15 *Car. 2. § 4. N. 3.*

To the Constable and Borsholders of the Hundred of *A.* in the said County, and to every of them, and to the Keeper of his Majesties Goal for the County aforesaid at *T.* in the said County.

*Kent. ff.* Whereas lately *£c. prout supra* and forasmuch as you the said Constable have returned unto me, that in default of such Distress you cannot levy the aforesaid Sum of *£c.* These are therefore in his Majesties Name to Charge and Command you the said Constable and Borsholders and every of you, to Attach the said *A. B.* and him safely convey to his Majesties Goal aforesaid at his own Charge, and there deliver him to the Keeper of the same, together with this Precept, Commanding also you the said Keeper to receive him into the said Goal, and him there safely keep one Month without Bail; hereof fail not at your perils. Given under my Hand and Seal the 10 day *£c.* Anno *£c.*

*Wool, see Drapery.*

*Women.*

## Women.

## Rape, Baron &amp; Feme.

- I. **L** *Ambert Precedents* 7 b. pl. 19. An Endictment for the Rape of a Woman-Child under Ten years of Age, on 18 *Eliz.* 7. § 4. N. 1.

*Kanc. ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod G. D. de B. in Com. predict' *Waterman*, tertio die *Julij* Anno Regni *Ec.* apud B. predict' in dicto Comitatu in Domo Mansionali ibidem cujusdam A. S. Holster, Vi & Armis in quandam M. N. de R. predict' in dicto Comitatu puellam infra etatem 10 Annorum tunc existent' insultum fecit ac tunc & ibidem eandem M. N. felonice ac carnaliter cognovit, ac eandem M. N. nequiter abusus est contra pacem dicti Domini Regis nunc, ac contra formam Statuti in Parliament' Domine Regine *Elizab'* tent' apud *Westm'* in Com. *Middlesex*, Anno dicti Regni sui 18 in hujusmodi casu provisi ac editi.

- II. *Lambert Precedents* 8. pl. 20. An Endictment for the Rape of a Maid of above Ten years old, on 13 *Ed.* 1. W. 2. cap. 34. See P. 11 H. 7. 22. pl. 11.

*Kanc. ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod B. C. de E. in dicto Comitatu Tavernor, 5 die *Octob.* Anno Regni *Ec.* apud E. predict' in Com. predict' in quodam loco ibidem vocat' *le Bower* Vi & Armis in quandam A. K. de E. predict' in Com. predict' Virginem ætatis 16 Annorum tunc ibidem in Pace Dei & dicti Domini Regis existent' insultum fecit ac tunc & ibidem eandem A. contra voluntatem ipsius A. felonice rapuit & carnaliter cognovit contra Pacem dicti Domini Regis nunc ac contra formam cujusd' Statut' in Parliament' Domini *Edw.* olim Regis *Angliæ* primi tent' apud *Westm'* in Com. *Middlesex* Anno Regni sui 13 in hujusmodi casu provisi ac editi, *Crompt.* 259. pl. 88.

- III. *Lamberts Precedents* 8. pl. 21. An Endictment for taking away a Widow against her will that hath Lands, on 3 H. 7. 2. § N.

*Kanc. ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod A. B. de C. in Com. predict' Singing-man, secundo die *Apr.* Anno Regni *Ec.* Vi & Armis in Domum Mansionalem cujusd' A. B. de C. predict' in Com. predict' Viduæ, infra Parochiam de C. predict' in Com. predict' intravit, quæ quidem H. B. tunc seifita fuit in Dominico suo ut de teodo de & in diversis terris & tenement' in C. predict' in Com. predict' Clari Annui valoris 10 librarum ultra omnes reprisas existent' ac immediate postea (*viz.* dicto secundo die *Apr.* Anno supradicto) idem A. B. predict' H. B. tunc & ibidem in dicta Domo sua in Pace Dei ac dicti Domini Regis existent' ex dicta Domo sua Mansionali contra voluntatem ipsius H. B. illegitime ac felonice extraxit eripuit, & abduxit ac eandem H. B. postea scil. tertio die dicti Mensis *Aprilis* Anno supradicto in Ecclesia Parochiali de C. predict' in Com. predict' cepit in uxorem suam ubi idem A. B. dicto tempore extractionis & abductionis predict' non clamavit nec clamare potuit eandem H. B. tanquam wardam suam aut tanquam Nativam suam in magnam Pacis dicti



dicti Domini Regis nunc perturbationem ac contra formam cujusdam Statuti in Parliament Domini *Henrici* nuper Regis *Angliae* septimi tent' Anno Regni sui tertio in hujusmodi casu provisi ac editi, *West. Symb. 2 part 135. Sect. 224.*

IV. *Crompt. 258 b. 259. pl. 87.* An Endictment for a Rape on 3 *Ed. 1. W. 1. cap. 13. Dalt. 281. cap. 107.*

*Staff. ff.* Juratores pro Domino Rege super Sacrament' suum presentant quod cum in Statut' in Parliament Domini *Edw.* nuper Regis *Angliae* primi Anno Regni sui tertio tent' editi inter cetera ordinatum existit quod nullus Rapiat neque capiat Ancillam infra ætat' existent' per assensum suum vel sine assensu suo, neque dictam Ancillam vel aliam feminam contra voluntatem suam, & si aliquis hoc fecerit, ad sectam illius qui hoc sequitur infra 40 dies Dominus Rex sibi faciet Communem Justitiam: & si nullus Incipiat sectam in hac parte infra 40 dies Dominus Rex sequetur & illi qui invent' fuerint culpabiles habeant Prisonam duorum Annorum & postmodum redimantur ad voluntatem Domini Regis prout in eodem Statuto plenius continetur: Quidam *J. B.* nuper de *A.* in Com. predict' Statutum predict' minimè ponderans nec penam in eodem content' verens *J. O.* Ancillam filiam *H. O.* & infra etat' existent' 40 diebus elapsis apud *W.* in Com. predict' tertio die *Septemb.* Anno *Ec.* violenter cepit & rapuit contra formam Statuti predict' ac contra Pacem *Ec.*

*V. Dalt. 268. 269 cap. 104.* Note, That a Woman Convicted of or for felonious taking of any Money, Goods, or Chattels, above the value of 12 *d.* and under 10 *s.* or as Accessory to any such Offence, the said Offence being no Burglary nor Robbery in or near the Highway, nor [the felonious taking of any Goods from the Person of another privily, shall for the first Offence be branded in the Hand, and further punished by Imprisonment or Whipping at the Discretion of the Judge or Justice before whom she shall be so Convicted, 21 *Jac. 6. §. 1. N. 2.*

*Workmen, see Apprentice.*

*Writs, see Process.*

*Tarn, see Drapery.*

*Year, see Days.*



# A Recital of several GENERAL and PARTICULAR HEADS of Reference.

## A

### ACTION.

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 Arraignment, *See* Coron. Indictment.  
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## B

**B**attery, *See* Affray, Trespafs.  
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M m m m m

Certi



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## H

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## O

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N n n n n

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Waifs, *see* Chattels, Coron.  
Weavers, *see* Drapery.  
Workmen, *see* Apprentice.  
Wife, *see* Bar & Feme.

Y

**Y** Arn, *see* Drapery.  
Year, *see* Dayes.

**F I N I S.**